



# **ONTARIO HUMAN RIGHTS COMMISSION**

**ANNUAL REPORT  
1993 – 94 AND 1994 – 95**



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# CONTENTS

## ANNUAL REPORT, 1993–94

PREFACE .....	1
I OVERVIEW .....	3
II EFFICIENCY, EFFECTIVENESS & RESOURCES .....	8
III KEY CASES .....	10
IV ISSUES IN HUMAN RIGHTS .....	13
V LINKAGES .....	15
BOARDS OF INQUIRY CASES .....	17
FINANCIAL STATEMENT .....	25
COMMISSIONERS .....	26
TABLES .....	29

## ANNUAL REPORT, 1994–95

PREFACE .....	37
I OVERVIEW .....	40
II ORGANIZATIONAL REFORM .....	43
III ISSUES IN HUMAN RIGHTS .....	48
IV Public Education .....	54
V Key HUMAN RIGHTS CASES .....	56
VI LINKAGES .....	61
BOARDS OF INQUIRY CASES .....	63
FINANCIAL STATEMENT .....	71
COMMISSIONERS .....	72
TABLES .....	76

## Appendix

COMMISSION STRUCTURE .....	85
ORGANIZATIONAL CHART .....	87
Complaint Processing Flow Chart .....	88
OFFICE LOCATIONS .....	90
PUBLICATIONS OF THE COMMISSION .....	91
LIBRARIES FOR DECISIONS .....	92



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# ANNUAL REPORT

1993–94

ONTARIO HUMAN RIGHTS COMMISSION  
ANNUAL REPORT  
1993–94 AND 1994–95





**Ontario Human  
Rights Commission**

Chief Commissioner

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**May 16, 1996**

**Honourable Marilyn Mushinski  
Minister of Citizenship, Culture and Recreation  
6th Floor, 77 Bloor Street West  
Toronto, Ontario  
M7A 2R9**

**Dear Minister:**

Pursuant to Section 31(1) of the Ontario *Human Rights Code*, it is my pleasure to provide to you the Annual Report of the Ontario Human Rights Commission for the fiscal year 1993-1994 for submission to the Legislative Assembly of Ontario.

This report reflects the activities of the Commission to March 31, 1994.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Rosemary Brown".

**Rosemary Brown, P.C.  
Chief Commissioner**



# PREFACE

## HUMAN DIGNITY HAS PRIMACY

THIS YEAR, the world celebrated the forty-fifth anniversary of the United Nations' Universal Declaration of Human Rights. At a global conference in Vienna, the representatives of almost two hundred nations came together to affirm the universality of human rights and the primacy of those rights as global standards. At the same time, parallel conferences were held by national human rights agencies to establish criteria for improving the effectiveness of human rights institutions in promoting human rights at the national level.

Closer to home, our commitment to the primacy of human dignity for all the people of this province is articulated through the *Human Rights Code*. In the businesses, schools and workplaces of Ontario, every person has the right to live and work without discrimination. In this important respect, the principles set out in the 1948 Universal Declaration of Human Rights find their expression in the *Human Rights Code*.

For this reason, the *Human Rights Code* is more than just a provincial statute. It is a touchstone to guide our interpretation of other laws. In the language of the courts, the *Human Rights Code* has quasi-constitutional status that gives it primacy over other provincial laws. This means that the rights protected by the *Code* are safeguarded by more than lofty principles. It means that each person has the right to equal treatment without discrimination in all matters falling within provincial jurisdiction.

As the largest and most diverse province in Canada, Ontario boasts a vibrant, multicultural society. The differences and interests that make us who we are and that enrich our sense of community also provide us with the challenge of learning how to live together peacefully and productively. The mandate of the Ontario Human Rights Commission therefore includes the roles of consensus-building and public education in order to promote an understanding and acceptance of the principles set out in the *Human Rights Code*. The Commission's mandate also includes its most visible function, namely the resolution of complaints. In 1993, the Commission's resources were directed more strongly than ever towards the fair and timely resolution of human rights complaints.

## PUBLIC SERVICE DEMANDS EFFECTIVE USE OF PUBLIC RESOURCES

One of the imperatives of our times is that we use public resources in a reasonable and sustainable manner that is cost-effective, responsive and inclusive. Today, more than ever, public sector agencies throughout the country are being challenged to become more

effective through sound and inventive reforms. Timely access to justice also demands efficiency and impartiality. These are the challenges that we must meet if we are to remain a just society.

For many years, various strategies have been proposed and implemented to achieve these goals in the Commission. However, we recognize that many of the challenges which confront us are not amenable to instant solutions. The Commission has responded to these challenges through a program of comprehensive renewal, working from the inside out to effect tangible improvements in the way we conduct our business. I am pleased to report that eight completely integrated *Organizational Improvement Initiatives* were introduced in May, 1993, which included:

- a *Quality and Quantity Assurance* program;
- a reformed *Customer Service* program;
- streamlined *Enforcement Procedures*;
- the use of *Enhanced Technology* to make complaint procedures work more efficiently;
- a leaner, more rational and cost-effective *Organizational Structure*;
- higher standards of *Accountability*;
- *Training and Development* programs for staff, and
- the introduction of *Organizational Health* and *Anti-Racist Principles* into the Commission's own administrative and operating structures.

The Commission is implementing these measures concurrently because each one complements and supports the others. Together, they create an agenda for change that is greater than the sum of its parts. This agenda for change provides the basic tools that the Commission needs to deliver on its legislative mandate. To that end, the Commission is committed to improving its customer service and its overall impartiality, efficiency and effectiveness. I have every confidence that these initiatives will breathe new life into the Commission's enterprise of building an agency that makes the great principles of the Universal Declaration of Human Rights a reality for every person in Ontario.

Rosemary Brown, P.C.  
*Chief Commissioner*

IN MAY, 1993, the Commission introduced eight *Organizational Improvement Initiatives* that are based on the premise that the effectiveness and efficiency of the Commission depend on an aggressive agenda for change from the inside out. To ensure stability, the Commission designed these initiatives to consolidate and rationalize existing resources and expertise.

In February, 1994, the Chief Commissioner appeared before the Standing Committee on Government Agencies. The Committee received deputations from a wide variety of community groups, citizens and special interest groups, and also received testimony from the Honourable Elaine Ziemba, Minister of Citizenship and Dr. Juanita Westmoreland-Traoré, Commissioner of the Employment Equity Commission. The Chief Commissioner affirmed the need for continued implementation of the Commission's agenda for renewal and of the organizational improvement initiatives.

Each of the initiatives is described in detail below.

## QUALITY & QUANTITY ASSURANCE

The Commission's new *Quality and Quantity Assurance* program establishes standards for the investigation and analysis of human rights complaints. These standards emphasize quality control in each phase of the Commission's procedures. The program has three key elements. First, the Commission has developed intake guidelines that apply to all facets of the intake process. Intake refers to the initial contact between the Commission's staff and the general public, whether that contact is by telephone, in writing or in person. The guidelines ensure that persons who are seeking advice or information, or who are inquiring about how to make a complaint, are dealt with consistently and with sensitivity. The second element is the formal investigative plan. Use of the plan is now mandatory for all investigations. The plan assists officers to investigate complaints more methodically and systematically. It also enhances impartiality in the investigation process and ensures that public policy or systemic issues are identified in the course of investigations. Third, the Commission has developed rigorous standards to improve staff productivity. Regional managers are now accountable for case management goals which include regional goals for the fiscal year.



## CUSTOMER SERVICE

The *Customer Service* program was developed to ensure that the Commission's procedures respect the dignity of complainants, respondents and the public at large, above all other considerations. This commitment was developed with staff consultation and is set out in a document entitled *Commitment to Service*. The document is displayed at the Commission's headquarters and at fifteen regional Commission offices throughout the province. The *Customer Service* program provides clear, measurable standards for the level of service that is expected from each staff member.

The *Commitment to Service* also ensures that the staff are knowledgeable about the realities of prejudice and discrimination. The Commission is thereby better able to develop procedures that are both responsive and sensitive to the diverse needs of the individuals and groups who approach the Commission for information and guidance.

## ENFORCEMENT PROCEDURES

Effective enforcement procedures are central to the agency's ability to conduct investigations in a timely and unbiased manner. The Commission has made a number of non-legislative changes to its enforcement procedures to reduce delays that are within the Commission's control. The new procedures also ensure that the Commission's jurisdiction to handle complaints is applied consistently and reasonably.

The agency has streamlined its procedures and established clear time frames for each distinct activity in the handling of complaints. For example, a procedure has been introduced to allow the parties to explore settlement opportunities before a formal investigation begins. This procedure is called the "early settlement initiative." The possibilities of early settlement are raised by the Commission and the implications are explained to the parties who have ninety days within which to resolve the complaint. Each year, hundreds of complaints are settled through the early settlement initiative. Although the parties may still settle a complaint at a later point in the process, the focus on a structured early settlement allows the parties to resolve disputes without the time and expense of a formal complaint.

In addition, the Commission is making more appropriate use of section 34 of the *Human Rights Code* at an early stage of the investigation procedure. This section enables the Commission to exercise its discretion not to deal with complaints that are frivolous, trivial, vexatious or that are made in bad faith. The section also allows the Commission to decline to deal with a complaint that would be dealt with more appropriately through legislation other than the *Human Rights Code*. Complaints that are over six months old or that

are clearly outside the Commission's jurisdiction may also be turned down at an early stage. A thoughtful application of these principles enables the Commission to focus its resources on those cases that belong within the Commission's legislated mandate.

If a complaint is not settled, an investigation is conducted by Commission staff. In appropriate cases, the *Human Rights Code* authorizes the Minister to appoint a Board of Inquiry at the request of the Commission, provided that there is sufficient evidence. A Board of Inquiry is an independent decision-making body that is completely separate from the Commission. The Commission is a party before the Board of Inquiry.

In the Fall of 1993, the Commission worked with the Board of Inquiry Office to initiate the use of pre-hearing conferences. Through pre-hearing conferences, the parties are given a final opportunity to explore settlement options before the case is heard by a Board of Inquiry. As at March 31, 1994, pre-hearing conferences resulted in the settlement of 57 percent of the complaints that were heard in this forum.

## TECHNOLOGY

Computer technology and applications are being used aggressively as a means of becoming more efficient, cost-effective and productive. Computerized tracking systems are now being applied to monitor complaints as they progress through the stages of investigation. These systems periodically generate bulletins which assist the Commission staff to keep the parties up to date about the status of any complaint in the system.

The Commission takes a great deal of care to ensure that all systems and applications protect the integrity of the agency's caseload data. The confidentiality of all personal information is strictly preserved.

## ORGANIZATIONAL STRUCTURE

The staff of the Commission have legal responsibility for specific functions in the Commission's mandate, such as the investigation of human rights complaints. In past years, these functions were carried out by seven administrative units, each with its own director. As part of the organizational initiatives, the structure of the Commission has been reviewed by an Organizational Health and Effectiveness Committee and an Anti-Racism Committee. The Committees, as well as Commission staff, expressed a need for structural change.

Following a study of the Commission's legislated mandate, its performance and resources, the Commission was reorganized from seven administrative units to four branches:

- a *Regional Services and Systemic Investigation Branch* which now consolidates the enforcement and monitoring functions of the Commission. The Branch is responsible for the sound and strategic use of resources in respect of investigation and enforcement;
- a *Public Policy and Public Education Branch* which integrates the functions of the Communications and Education Unit and the Policy Unit into a single Branch. The Branch develops policy guidelines, provides advice to the Commission as well as to the general public, and has primary responsibility for public education, media relations and communications;
- a *Legal Services Branch* which provides legal services to the Commission and processes any requests for reconsideration of files, and
- a *Corporate Services Branch* which is accountable for leading the Commission in its efforts to become a model employer and an excellent service provider.

## ACCOUNTABILITY

Commission staff are accountable for their performance standards and for the quality of the service provided by the Commission. Clarifying and enhancing accountability is a key objective of the Commission's *Organizational Improvement Initiatives*. Both the *Quality and Quantity Assurance* program and the *Customer Service* program have set clear standards to guide the performance of all staff and to encourage proper time and resource management. These measures reward both professionalism and performance.

## TRAINING & DEVELOPMENT

The Commission is using training and development more efficiently to improve the knowledge, skills and abilities of its diverse staff. Adult learning principles are applied to encourage Commission staff to create a learning organization that promotes ongoing improvement and encourages staff to support each other and to learn from each other.

Staff have been trained to use new computer systems and technologies which enhance productivity. Other training initiatives which took place in 1993–94 include:

- two *Basic Investigation Skills* conferences for the Commission's human rights officers;
- a *Coarse Screening* conference to provide administrative staff with the skills needed to deal effectively with front-line situations involving clients of the Commission, and



- a workshop on *Dealing with Challenging Customers*, designed to provide staff with the skills and strategies needed to provide effective service to such customers, either over the phone or in person.

Since May, 1993, Commission staff received a total of 599 person days in training and development. This marks the beginning of a planned series of training initiatives to reinforce essential skills.

## ORGANIZATIONAL HEALTH & ANTI-RACISM

Strategies to combat racism require a commitment to the principle of fairness. The Commission recognizes that this commitment should be reflected not only in the procedures used by the Commission to handle complaints, but also within the Commission itself.

This year, the Commission has initiated an examination of its own organization to identify and dismantle barriers to equality. Anti-racism principles are being used and integrated into an overall organizational renewal to ensure that all employees have access to the opportunities in the workplace. This initiative is part of the Commission's commitment to ensure that human rights principles are reflected in the agency's own employment practices. The process began with the work of the Organizational Health and Effectiveness Committee. The Committee established anti-racism principles that preserve and enhance the basic tenets of fairness in each aspect of the Commission's employment practices and in its program of organizational renewal.

## II EFFICIENCY, EFFECTIVENESS & RESOURCES

### CASELOAD PROFILE

**H**UMAN RIGHTS COMPLAINTS represent the Commission's most public activity. Moreover, the resolution of complaints has implications beyond each individual complaint. When complaints are referred to Boards of Inquiry, the resulting decisions create precedents and directions for human rights law in Ontario.

In the past, the Commission managed its complaints system through strategies that relied almost exclusively on management strategies related to the *size* of its caseload. However, the Commission's focus on the number of cases in the system has shifted to strategies that reflect the fact that the Commission's mandate is much broader than the caseload alone. Three factors play a part in this reassessment of the Commission's strategy.

First, although the Commission has a duty to resolve and investigate individual complaints, it is also obliged by law to make proactive efforts to eliminate discrimination. This is accomplished through a variety of activities within the Commission's legislative mandate, including public education, systemic initiatives and the review of provincial legislation to assess compliance with the *Human Rights Code*. The success of these proactive measures will have an impact on caseload management.

Second, case management strategies alone will not reduce the caseload unless the Commission's organizational structure is able to support the implementation of those strategies. Consequently, the training, development and accountability of staff have become priorities for the Commission. These priorities are reflected in the eight organizational initiatives that have been introduced this year.

Third, the figures indicate that the Commission will always have a sizeable caseload. In our large, diverse and rights-conscious society, this is not likely to change. To ensure that justice is not denied as a result of delays or protracted investigations, the Commission is focusing its efforts more than ever on due process and the rules of administrative fairness in order to reduce the length of time it takes to resolve each complaint in a manner that is fair to all the parties.

An assessment of these factors reveals that the *age*, not the *size*, of the caseload is the vital consideration when assessing the overall fairness of the system. *Qualitative* assessments are also critical in

order to examine the Commission's adherence to and promotion of natural and substantive justice.

The initiatives introduced this year, such as the improvement of enforcement procedures and improved staff training, have enhanced considerably the Commission's adherence to due process and neutrality. For example, the Commission is developing guidelines to assist human rights officers in investigating and analyzing complaints based on race. The guidelines will be completed during the next fiscal year.

For the first time since 1992, the size of the Commission's caseload actually *decreased* by 120 as at March, 1994. At present, the average age of complaints in the system is approximately seventeen months. This represents a 15% improvement over the average age of cases in the preceding fiscal year. It is also noteworthy that 67% of all cases closed in this fiscal year were with the Commission for less than twelve months.

On March 31, 1993, the Commission had a caseload of 296 files that had been pending investigation for three years or more. On March 31, 1994 the number of cases in this category fell by 56% to a total of 180 files, the *lowest* it has been since mid-1989.

### III KEY CASES

#### Disability

THE *HUMAN RIGHTS CODE* places a duty on employers, unions and service providers to accommodate the needs of persons with disabilities. Meaningful access to services and facilities is a central feature of the duty to accommodate. The nature and scope of this duty was examined in the case of *Elliott v. Epp Centres*. Marjorie Elliott is a person with a severe handicap who uses a motorized wheelchair and a van equipped with a lift for mobility. These two pieces of technology give the Complainant a fair degree of mobility and independence, despite her handicap. On the other hand, Ms. Elliott requires a parking space that is wider than usual in order to accommodate the van.

According to the evidence, the Complainant and a friend decided to go for lunch at a restaurant located in a mall in Niagara-on-the-Lake. Ms. Elliott tried unsuccessfully to find a “handicapped parking” space. She eventually parked in a large area at an entrance way but was ordered to leave by the restaurant owner. Ms. Elliott told the restaurant owner that her vehicle was properly designated as a special vehicle for persons with disabilities. The restaurant owner replied, “I don’t care, I don’t want you here.”

The complaint before the Commission dealt with the obligation of the Mall owner to put in parking spaces for persons with disabilities. The Respondent argued that in the absence of a city by-law, Epp Centres Inc. was not obliged to provide parking spaces of this kind. The Board of Inquiry held that parking is a “service” within the meaning of the *Code* and that the absence of parking for persons with disabilities is therefore discriminatory. The evidence showed that although the municipal planning department did not have a by-law requiring “handicapped parking”, it did actively encourage plans which accommodated persons with disabilities. Moreover, there was no evidence filed by the Respondent Mall to the effect that the costs of putting in parking for persons with disabilities would cause undue hardship.

The Board of Inquiry accepted the principle that “it is the policy in Canada to integrate the disabled into the life of the community in every way possible. The elimination of physical barriers... is at the very heart [of this].” The Board of Inquiry ordered the Respondent Mall to provide one designated “handicapped parking” space and to take necessary steps to make the premises accessible to persons with disabilities. Ms. Elliott was awarded \$1,000.00 in damages.



Discrimination on the grounds of race and ancestry remain critical challenges for our society. These grounds account for almost one quarter of the complaints filed in 1993/1994. This year, two especially significant cases that were decided by Boards of Inquiry reaffirm the principle of anti-racism in the areas of differential treatment of persons of Native ancestry and in respect of adverse impact or constructive discrimination in the area of employment.

Peoples of Aboriginal descent have experienced especially damaging forms of racism and stereotyping. In the *Angeconeb* decision, a Native Canadian was given inadequate service and inferior accommodation at the Red Dog Inn in Red Lake, Ontario. The evidence before the Board of Inquiry was that the Inn's practices had the effect of limiting the quality of services available to clients of Native ancestry. Specifically, the Inn assigned a second rate, filthy room to Mr. Angeconeb and there was evidence that such treatment was routinely reserved for clients of Native ancestry. Rooms of inferior quality were located in a block of rooms in one section of the Inn and the Inn's records revealed that persons of Native ancestry were likely to be systematically assigned to rooms in that block.

The Board of Inquiry determined that these practices served to entrench an "invidious" form of racist stereotyping. Mr. Angeconeb was paid \$2,500 restitution for damage to his dignity and sense of self-worth.

In *Wong v. Ottawa Board of Education et al.*, a Board of Inquiry found that the Ottawa Technical High School had discriminated against the Complainant because of his Chinese ancestry. Mr. Wong was placed on a list of surplus teachers and then transferred to another school after fifteen years at the Ottawa Technical High School. A detailed examination of Mr. Wong's records revealed that the Respondents had criticized Mr. Wong's participation in extracurricular activities in relation to those of other teachers. For example, Mr. Wong was reluctant to participate in social events or to seek involvement in committees that were not perceived by him to be directly related to his primary role as a teacher. He preferred instead to spend non-scheduled time with students in activities related more closely to the subject he was teaching. The Board of Inquiry accepted evidence to the effect that Mr. Wong's decisions about how best to contribute to the school were a function of his race and ethnic origin, and in particular, a function of the traditional emphasis placed in Chinese culture on the importance of education. The Board held that Mr. Wong's extracurricular activities were not objectively inferior to or less valuable than those of other teachers. Consequently, the Board decided that the impact of the Respondents' assessment of Mr. Wong was discriminatory.

In *A. v. Quality Inn*, three female co-workers alleged that their employer had discriminated against them on the basis of certain comments made to and about them by the general manager of the Quality Inn. The supervisor had made vexatious, unpleasant comments about a female employee's alleged use of sex for money. The supervisor knew that the comments were offensive and unwelcome. The Board upheld the complaint on the grounds that every employee has the right to be free from harassment in the workplace. The corporate Respondent was ordered to revise its harassment policy, to distribute the revised policy to all employees and to post the policy in a prominent position in the workplace.

In some cases, an employer may plead ignorance of the harassing behaviour. This creates difficulties for complainants. This issue was addressed in *Broadfield v. De Havilland/Boeing*. The Board of Inquiry held that employers are not automatically liable for harassment by their employees. However, if employers fail to take adequate steps to prevent harassment and to deal with the harassment once it occurs, their liability will be engaged.

## IV ISSUES IN HUMAN RIGHTS

### Disability

THE COMMISSION WAS an active participant in provincial and municipal efforts to improve access to facilities and to eliminate barriers for persons with disabilities. The Commission successfully concluded negotiations with the Ministry of the Attorney General and the Ministry of the Solicitor General and Correctional Services to ensure that persons with disabilities have physical access to the Province's courthouses.

### SEX

The *Policy Statement on Sexual Harassment and Inappropriate Gender-Related Comment and Conduct* was published in the Fall of 1993. The Commission developed these guidelines in consultation with community organizations including women's organizations, advocacy groups, universities and businesses. A plain language brochure, *Sexual Harassment and other Comments or Actions about a Person's Sex*, was published simultaneously. The brochure outlines clearly and concisely the *Code's* definition of sexual harassment and inappropriate comments.

As part of its advisory and public education role, the Commission advises employers with respect to the removal of systemic barriers in the workplace. This year, Commission staff provided expertise to the City of Toronto to develop equality programs in the recruitment and hiring of firefighters. This initiative is expected to have a positive effect on the hiring of women as well as racial minorities.

The Commission's public education responsibilities also extend to social policy issues affecting immigrant communities in Ontario. Female genital mutilation, sometimes referred to as female circumcision, is a traditional practice in over forty countries. The international human rights and health communities have condemned the practice and are working to re-educate practitioners and the communities in which they work. Immigration from these countries has brought the issue to Canada. Canadian health and child welfare authorities are taking positive measures to eradicate the practice and to educate about the practice and the health consequences. In 1994, a provincial task force was struck to examine the existence and implications of the practice in Ontario. The Task Force's mandate is to develop a coordinated approach to eliminating this traditional practice. The Commission has begun to participate in meetings of the Ontario Female Genital Mutilation Prevention Task Force coordinated by the Ontario Women's Directorate.

The Commission has been involved in consultations with the College of Nurses of Ontario concerning a review of both their service delivery and employment systems. Similar consultations are under way with the Law Society of Upper Canada to incorporate rules against discrimination in the Society's Rules of Professional Conduct.

The Commission also attended a discussion group that dealt with the collection of race-based crime statistics. The group was organized by the Commission on Systemic Racism in the Ontario Criminal Justice System under the administration of the Ministry of the Attorney General. A preponderant majority of the community groups who expressed their views were strongly opposed to the collection of crime statistics based on race.

Racism against persons of Aboriginal ancestry continues to be a significant concern for the Commission. This year, the Commission participated in consultations with the Grand Chief of the Grand Council (Treaty #3) to discuss problems that Native persons in Fort Frances are experiencing in accessing health care services.



THIS YEAR, the Commission is proud to have been involved in a number of events and initiatives which helped to forge new relationships with community groups, educators, human rights organizations and other national institutions involved in human rights work. The Commission values and encourages opportunities to share expertise with stakeholders, partners and international agencies.

Since her appointment in June 1993, Chief Commissioner Rosemary Brown has held a series of briefings and consultations with the Commission's major stakeholders. These meetings included the Urban Alliance on Race Relations, the Coalition of Visible Minority Women, the Coalition for Equality Rights in Accommodation, the Board of Trade of Metropolitan Toronto, the Chinese Canadian National Council, the Canadian Manufacturers' Association, the Coalition for Lesbian and Gay Rights of Ontario, the Canadian Jewish Congress and the Ontario Dental Association.

Public education is part of the Commission's statutory mandate and requests for assistance and expertise are made on a regular basis. Faced with a heavy caseload and limited resources, the Commission has been scrutinizing more closely the deployment of its resources in the area of public education. The Commission carefully reviews applications for speaking engagements from the standpoint of both cost-effectiveness and strategic impact. The Commission responds to public education requests by providing written materials and by referring requests to other specialized groups where appropriate, including community advocacy groups, other government services or consultants. In identified cases of strategic impact of human rights issues, the Commission attends speaking engagements. For example, the Commission accepted a public speaking engagement request from the Ontario Association of Architects in order to provide a forum for the discussion of issues concerning access and physical barriers for persons with disabilities in light of the *Elliott* case. Speaking engagements are delivered by the Chief Commissioner or Commissioners, by members of senior management, and by regional managers.

The Commission knows that the next generation is our most important audience for the message about human rights and the principles of dignity and mutual respect. The Commission is delighted to announce that work has begun on an educational project entitled *Teaching Human Rights in Ontario*. The package will be available in English and in French and will be distributed to teachers in schools throughout the province. The package will focus on basic

human rights principles, the *Human Rights Code* and the work of the Commission. This project will be finalized in 1995.

The Commission has also developed a quarterly newsletter entitled *Community Update* with a view to keeping stakeholders in the community informed about the Commission and its work. The newsletter provides news and information about *Code*-related developments, complaint resolution and Board of Inquiry decisions. *Community Update* is circulated to over 250 organizations.

Each year, the Ontario Human Rights Commission commemorates December 10, International Human Rights Day. On that day in 1948, the General Assembly of the United Nations adopted a new international standard for the protection of rights, the Universal Declaration of Human Rights. This year, on the eve of the 45th anniversary of the Declaration, the Commission prepared and distributed press releases to the Ontario media, informing them of the significance of Human Rights Day. As well, Commissioners participated in citizenship ceremonies by delivering keynote addresses during swearing-in ceremonies for new Canadians in Citizenship Courts across Ontario. The theme of the address was “partners in friendship, in responsibility, in rights and in harmony”.

The Ontario Human Rights Commission continues to share information about human rights with countries and organizations around the world. Consultations have involved issues such as the preservation of impartiality through the separation of enforcement and advocacy functions. For example, the Commission provided the Women's Bureau of the Japanese Ministry of Labour with advice and information respecting human rights issues, and Bermuda has twice sought the Commission's assistance in establishing and administering its own human rights commission. The Commission also received a delegation from South Africa, just prior to that nation's historic elections, and the Commission was especially pleased to have had the opportunity to share its own experiences in the administration of human rights agencies and the promotion of human rights.

# BOARDS OF INQUIRY CASES

FINAL DECISIONS ..... 18

SETTLEMENTS ..... 21

DIVISIONAL COURT ..... 24

COURT OF APPEAL ..... 24

# BOARDS OF INQUIRY 1993–94

## FINAL DECISIONS

### HANDICAP

- *Theresa Allan v. Dr. J. H. Singh*
- *Mr. Jerome v. Dr. Paul DeMarco*
- *Kelly B. McCarthy v. Kays Toronto Trading Ltd. et al.*
- *Elliott v. EPP Centres Inc. et al.*
- *Donald Chiro v. Sheridan College of Applied Arts & Technology and Cheryl Snyder*
- *John Tam v. Inglis Limited and Nick Vuk Communication Workers of Canada*
- *Mark Mason v. Galt Country Club Limited; William Fowler*
- *Robert Surge v. Excelsior Glass Limited*
- *Vince DeSouza v. Ontario Liquor Control Board*

### RACE

- *Alan Shreve v. Corporation of the City of Windsor and Jeremy Hancock*
- *Garnet Angeconeb v. 517252 Ontario Ltd. and Ruby Cullen*
- *Richard Persad v. Sudbury Regional Police Force, Richard Zaniibbi, D. B. McKay, Denis O'Neill; Inspector Watson, Inspector Lavoie, Doug Wuksinic*
- *Laura Roberts v. Vince Chmiel and Club Expose (operated by 879678 Ontario Limited)*
- *Shirley Morrison v. Effort Trust Realty Company and Romeo Aucoin*
- *Awadh Ahmed v. Canada Packers Inc. and Dan Cloutier*

### SEX

- *Ms. Christine Broadfield v. De Havilland/Boeing of Canada Limited, Mr. John O'Neill and Mr. Merv Gray*
- *Elizabeth Clinton v. Ontario Blue Cross et al.*
- *Laura S. DeMille (Taggart) v. City Ambulance Service of Quinte and Alan Morton*
- *Jo-Anne Wales-Callaghan v. CN Office Cleaning Ltd. and Cavell Nicholson*

- *Lyne Leclair v. Dr. Amel Roberge*
- *'AB' (Eric Sabourin) v. Jerome Colloredo-Mansfield, Sarah Eileen Clarke and Chris Clarke*
- *Erin Casselman and Suzanne Ouellet v. Ontario Soccer Association*
- *Shirley Hom and Cindy Petersen v. Impact Interiors Inc. and Ken Walia*
- *Anita Hall v. A-1 Collision and Auto Service and Mohammed Latif*
- *Lynn Gosselin v. The Kenora Ballet School et al.*

## SEXUAL ORIENTATION

- *Elizabeth Clinton v. Ontario Blue Cross et al.*
- *'AB' (Eric Sabourin) v. Jerome Colloredo-Mansfield, Sarah Eileen Clarke and Chris Clarke*

## SEXUAL HARASSMENT

- *Ms. Christine Broadfield v. De Havilland/Boeing of Canada Limited, Mr. John O'Neill and Mr. Merv Gray*

## ANCESTRY

- *'AB' (Eric Sabourin) v. Jerome Colloredo-Mansfield, Sarah Eileen Clarke and Chris Clarke*

## AGE

- *John Tam v. Inglis Limited and Nick Vuk Communication Workers of Canada*
- *Carole Anne Lannin v. Her Majesty the Queen in Right of Ontario, Ministry of the Solicitor General, Ontario Provincial Police, Dana Ostrom and Douglas Cobean*

## FAMILY STATUS

- *Bernadette Levesque v. Gustav Fisher and Rhydwen Apartments Ltd.*
- *Carole Anne Lannin v. Her Majesty the Queen in Right of Ontario, Ministry of the Solicitor General, Ontario Provincial Police, Dana Ostrom and Douglas Cobean*
- *Leslie Thurston v. Cheng Ching Lu and Su Chen Lu*

## MARITAL STATUS

- *Carole Anne Lannin v. Her Majesty the Queen in Right of Ontario, Ministry of the Solicitor General, Ontario Provincial Police, Dana Ostrom and Douglas Cobean*

- *Laura S. DeMille (Taggart) v. City Ambulance Service of Quinte and Alan Morton*
- *Jay Brasse and Janet Wing v. Vasija Real Estate et al.*
- *Carol McEwen v. Warden Building Management Ltd. and V.I.P. Property Management Ltd.*
- *Donna Kostanowicz v. Branislaw Zarubin*

## RECEIPT OF PUBLIC ASSISTANCE



# BOARDS OF INQUIRY 1993–94

## SETTLEMENTS

### HANDICAP

- *Vivette Oliver v. Mariott Hotels of Canada et al.*
- *John Strutt v. Gray-Canadian Network Broadcast Sales Inc. et al.*
- *Paul Smith v. Belleville Police Services Board*
- *Joan Moore v. Beechwood Promenade Phase II, Bernd Karr and Margaret Bradley*
- *John Michea v. The Kingston Psychiatric Hospital et al.*
- *Laura Booth v. The Board of Education for the City of Etobicoke and Gary Vipond*
- *Fred Haggins v. Aberfoyle Metal Treathers Ltd. and Harry Hall*
- *Sonia Weinreb v. Ridge Hall Land Ltd.*
- *Fred Sparkman v. West Glen Village c/o Castlemar Realty Inc. et al. and Galaxy Homes Inc.*
- *E. Maxine Myers v. Workers' Compensation Board and Jean-Claude Bertrand and John Lawson*
- *Geoffrey Miller v. Addison On Bay Ltd.*
- *Mark Crichton v. Sun Chemical Limited, Mark Cottrell and Steve Doyle*

### RACE

- *Ibrahim El-Shayal v. Sir Sandford Fleming College et al.*
- *Ihsan El-Sayed and Ibrahim El-Sayed v. Bayfield Equitable Management Ltd.; Bayfield Management Limited, 31 Park Blvd. Apts. Limited, Lake Promenade Apartments Limited, The Lake Promenade Partnership and Jack Greenberg*
- *Mr. Murvin Wallace v. Dodge Canada, A Division of Reliance Electric Limited et al.*
- *Violet Baldacchino v. Bennett and Norgrove Ltd. and Joanne Trudel*

### CREED

- *Heide Uppal v. Hamilton-Wentworth Roman Catholic School Board and Pat Meiler*
- *Ontario Human Rights Commission v. The Peel Board of Education*
- *Daniel Robbins v. Canadian Timken Ltd.*

## CITIZENSHIP

- *Heide Uppal v. Hamilton-Wentworth Roman Catholic School Board and Pat Meiler*
- *Ontario Human Rights Commission v. The Peel Board of Education*
- *Daniel Robbins v. Canadian Timken Ltd.*

## SEX

- *Coreene Smith v. Sault Ste. Marie Men's Athletic Association*
- *Barbara Horan (Bates) v. Associated Toronto Taxi Co-operative Limited (A.K.A. Co-op Taxi) and Mr. Joe Motta*
- *Krista MacDonald v. Ministry of Correctional Services et al.*
- *Gail McCullough v. Norm Jones, Hydron Canada Ltd. and Allergan Inc.*
- *Elisa Trautlein v. Access Medical Centre and Tom Riggs*
- *Seonaid Meiklem v. Bot Quebec, Ltd., Luigi Bot and Roy Bot*
- *S(S) Sarah Simmonds v. Millbrook Correctional Institute, Peter Fitzpatrick and Superintendent Preston*
- *Lynn Ptashnik v. Prudential Insurance Company of America, Derek Murray and Richard Train*
- *Robin Walsh v. YM/YWCA*
- *Karen Moore v. The Canadian Corps of Commissionaires*
- *Lubica Mery v. Raytheon Canada Limited and Fred Vandervelden*
- *Laura Hamilton v. Nedco (A Division of Westburne) and Oreste Apolito*
- *Florence Addison v. The Great-West Life Assurance Company of Canada, Amstel Breweries Canada Ltd. and Kai Plaughmann*
- *Tamra Jean Tobin v. Beach Grove Golf and Country Club*
- *Crystal Mortillaro (nee Barnett) v. Hill & York Corporation and Diamond Rain Corporation and Cas Malhowski*
- *Jackie Blattner v. The Red Rock Inn Inc. et al.*
- *Pamela Gower v. Screen Print Display Industries, Inc.*

## SEXUAL ORIENTATION

- *S(S) Sarah Simmonds v. Millbrook Correctional Institute, Peter Fitzpatrick and Superintendent Preston*
- *Robin Walsh v. YM/YWCA*



## AGE

- *Sonia James v. Metropolitan Toronto Condominium Corporation No. 606 ("MTCC 606")*
- *Karin Wolter and John Defalco v. Metropolitan Toronto Condominium Corporation No. 873, Roy Gardiner and Peter Cooper*
- *Joe Fusca and Sandy Fusca v. Ann David*
- *C. Stanton Stevenson v. Ontario Hydro, Lawrence Leonoff and Eric Finn*

## FAMILY STATUS

- *Sonia James v. Metropolitan Toronto Condominium Corporation No. 606 ("MTCC 606")*
- *Karin Wolter and John Defalco v. Metropolitan Toronto Condominium Corporation No. 873, Roy Gardiner and Peter Cooper*
- *Joe Fusca and Sandy Fusca v. Ann David*
- *Margaret Ross v. Leslie Hegedus*

## MARITAL STATUS

- *Margaret Ross v. Leslie Hegedus*

## RECEIPT OF PUBLIC ASSISTANCE

- *Lisa Rae v. Glenn Stansbury*

# BOARDS OF INQUIRY 1993–94

## DIVISIONAL COURT

### SEX

- *Diane Gale v. Great Atlantic & Pacific Co. of Canada Limited and Ontario Human Rights Commission, Constance Backhouse, United Food and Commercial Food Workers International Union, Locals 175 and 633, Steinberg Inc. and Diane Gale and United Food Workers International Union, Locals 175 and 633*
- *Great Atlantic & Pacific Co. of Canada Limited v. Her Majesty the Queen in Right of Ontario (Diane Gale)*

# BOARDS OF INQUIRY 1993–94

## COURT OF APPEAL

### AGE

- *Ontario Hydro v. Ontario Human Rights Commission*
- *Ontario Human Rights Commission (Edwin Roberts) v. Ministry of Health*
- *Albert Large v. The Corporation of the City of Stratford, Stratford Police Department and Board of Police Commissioners*

# FINANCIAL STATEMENT

THE COMMISSION'S APPROVED year-end allocation for the 1993-94 fiscal year was \$13,233,100. The Ontario Human Rights Commission operates 16 offices throughout the province, including a head office in Toronto. In addition to investigating and conciliating formal human rights complaints, the Commission's staff addressed 111,094 inquiries and made 32,431 referrals.

# COMMISSIONERS

CHIEF COMMISSIONER Rosemary Brown is the only full-time member of the Ontario Human Rights Commission. The Chief Commissioner chairs meetings of the Commission. The Vice-Chair of the Commission presides over meetings of the Commission in the absence of the Chief Commissioner.

The Commissioners are selected to represent the diversity of Ontario, preserving a balanced representation of groups designated by the *Human Rights Code* from both the complainant and respondent perspectives. The Commissioners are accountable for preserving strict impartiality in their deliberations under the *Code* and for giving effect to the public policy of human rights enacted by the legislators of Ontario.

Following are biographical profiles of the Chief Commissioner and Commissioners during this fiscal year.

## ROSEMARY BROWN CHIEF COMMISSIONER

Ms. Brown was appointed Chief Commissioner of the Ontario Human Rights Commission on June 4, 1993. The first Black woman to be elected to political office in Canada, she served 14 years as a Member of the British Columbia Legislature from 1972 until her retirement in 1986. A champion of human rights, she has earned respect for her work in Canada and around the world. Ms. Brown is a patron of the National Council of Black Educators of Canada and the Vice-Chairperson of the South African Educational Trust Fund. She received the National Black Coalition Award in 1972, the U.N. Human Rights Fellowship in 1973 and the Canadian Black Achievement award in 1994. Ms. Brown, who emigrated from Jamaica to Canada in 1950, is a member of the Privy Council and a member of Canada's Security Intelligence Review Committee. She sits on the Board of Trustees of Queen's University and on the Board of Directors of the Canadian Women's Foundation. Her autobiography, *Being Brown*, was published by Random House in 1989.

## Alok Mukherjee VICE CHAIR

Mr. Mukherjee was appointed to the Commission in March, 1992 and in June, 1993 he became Vice-Chair of the Commission. He is a consultant, trainer, and writer in anti-racist and multicultural education, race relations and human rights. He served as the Race Relations Advisor to the Toronto Board of Education and has written on a variety of race relations issues. He is a member of the Doris Marshall Institute for Education and Action and has co-written a

book on anti-racist education. Effective November, 1992, he assumed the role of Acting Chief Commissioner and in June, 1993, resumed his position as Vice-Chair.

## IDA DEJESUS

Ms. DeJesus was appointed to the Commission in August, 1993. A lawyer by profession, Ms. DeJesus has been a Member of the Board of Abrigo (Centre for Victims of Family Violence), member of the Committee of the 40th Anniversary of the Portuguese Community, Chair of the Luso-Canadian Cultural Council of Hamilton and Vice-President of the Portuguese-Canadian National Congress—Ontario.

## REVA DEVINS

Ms. Devins was appointed to the Commission in February, 1987. A lawyer, she was called to the Bar in 1985. She has law degrees from Osgoode Hall (LL.B) and Harvard University (LL.M). During the past five years, Ms. Devins has been an active participant in several Commission committees and panels. She most recently served as the Commission's official liaison with the Ontario *Human Rights Code* Review Task Force, established by the government to make recommendations on human rights reform. Ms. Devin's term expired in May, 1993.

## LOUIS LENKINSKI

Mr. Lenkinski was appointed to the Commission in July, 1987. A member of the Upholsterers' International Union for many years, Mr. Lenkinski served as its business representative from 1958 to 1969. Since then, he has held the positions of Project Director and Executive Secretary to the Labour Council of Metropolitan Toronto. In 1975, he became Executive Assistant to the Ontario Federation of Labour and in 1984, he was appointed a part-time member of the Ontario Labour Relations Board. He is actively involved on the executive of a number of community organizations.

## ROBERT MILBOURNE

Mr. Milbourne was appointed to the Commission in July, 1992. A graduate of Metallurgical Engineering, Mr. Milbourne joined Stelco in 1963 and worked in various positions leading up to his current position as President, Chief Operating Officer and Member of the Board of Directors. He is a member of a number of associations, including the Canadian Institute of Mining and Metallurgy and the Occupational Health Clinic for Ontario Workers.

## RICHARD MILES

Before his appointment to the Commission in July, 1992, Mr. Miles held senior administrative positions with the Ministry of Community and Social Services, the federal Secretariat of Disabled Persons Office, and most recently, Handicapped Action Group Incorporated in Thunder Bay. Mr. Miles was appointed by the Minister of Citizenship to the recently concluded Task Force conducting a procedural review of the Ontario Human Rights Commission.

## CARMEN PAQUETTE

Ms. Paquette was appointed to the Commission in June, 1991. Her expertise includes such areas as women's issues, minority rights, social and economic issues, human resource development and community development. She is currently a partner in a workers' cooperative that specializes in organizational development, research and training. Ms. Paquette's term expired in February 1994.

## GAETANE PHARAND

Ms. Pharand was appointed to the Commission in June, 1991. She was trained in business management and was recently employed as Events Coordinator with L'Association des professeurs des Collèges at Laurentian University, and as communications officer at Radio Canada. She has been active in community service since 1988 and has served as vice-president of St. Eugene's Parish Council.

## TOM WARNER

Mr. Warner was appointed to the Commission in February, 1993. He is a senior executive at the Institute of Chartered Accountants of Ontario where his responsibilities include policy development and government relations on behalf of the profession. Mr. Warner has been a founder and member of such groups as the Coalition for Lesbian and Gay Rights in Ontario, the Right to Privacy Committee and the City of Toronto's Lesbian and Gay Issues Committee.

## ST. CLAIR WHARTON

Mr. Wharton was appointed to the Commission in June, 1991. Before that, he was the president of Local 2858, United Steelworkers of America from 1985 to 1991, and served as vice-president from 1983 to 1985. He has a wide range of experience on human rights issues, having served on a number of human rights committees within the Union, and the OFL Human Rights Committee and the Parkdale Action Committee against Racism. Mr. Wharton conducts human rights courses and workshops for the Union.



# TABLES

1. COMPLAINTS by REGION OF REGISTRATION & GROUND .....	30
2. COMPLAINTS RECEIVED by PROVISION AND GROUND .....	31
3. SETTLEMENTS EFFECTED by GROUND .....	32
4. COMPLAINTS Closed by PROVISION, DISPOSITION & GROUND .....	33
5. EMPLOYMENT COMPLAINTS Closed by DISPOSITION & GROUND .....	34
6. EMPLOYMENT COMPLAINTS Closed by TYPE OF WORK .....	35
7. COMPLAINTS Closed by TYPE OF INDUSTRY .....	36

Table 1 :

## Complaints by REGION OF REGISTRATION &amp; GROUND, 1993-94

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	Reprisal	No Grounds	Breach of Settlement	TOTAL	PERCENTAGE(%)
EASTERN	43	18	8	49	39	8	20	11	12	77	14	-	2	3	-	304	13
HAMILTON/NIAGARA	34	3	7	36	31	3	33	17	6	74	8	-	1	-	1	254	11
NORTHERN	41	6	3	52	22	6	19	8	5	70	8	-	1	1	1	243	11
SOUTHWESTERN	42	2	9	50	46	7	10	2	7	73	2	-	3	-	-	253	11
TORONTO CENTRAL	151	7	10	71	33	17	35	2	9	98	9	-	3	-	-	445	19
TORONTO EAST	54	18	9	67	31	3	38	11	26	85	11	-	7	-	-	360	16
TORONTO WEST	108	16	16	65	47	2	40	3	14	98	7	2	6	3	-	427	19
TOTAL	473	70	62	390	249	46	195	54	79	575	59	2	23	7	2	2,286	100
PERCENTAGE(%)	21	3	3	17	11	2	9	2	3	25	3	0	1	0	0	100	

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment



# Table 2:

## COMPLAINTS RECEIVED by PROVISION & GROUND, 1993-94

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	Reprisal	No Grounds	Breach of Settlement	TOTAL	PERCENTAGE(%)
<b>SERVICES</b>	91	6	15	24	-	18	14	7	9	102	-	-	1	3	-	290	13
<b>HOUSING</b>	34	6	1	4	9	5	20	9	46	26	59	-	-	1	-	220	10
<b>CONTRACTS</b>	4	2	-	-	-	1	-	-	-	-	-	-	-	1	-	8	0
<b>EMPLOYMENT</b>	342	56	46	355	240	21	161	38	24	443	-	2	4	2	1	1,735	76
<b>VOCATIONAL ASSOCIATION</b>	1	-	-	6	-	1	-	-	-	2	-	-	-	-	-	10	0
<b>REPRISAL</b>	1	-	-	1	-	-	-	-	-	2	-	-	18	-	-	22	1
<b>BREACH OF SETTLEMENT</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	0
<b>TOTAL</b>	473	70	62	390	249	46	195	54	79	575	59	2	23	7	2	2,286	100
<b>PERCENTAGE(%)</b>	21	3	3	17	11	2	9	2	3	25	3	0	1	0	0	100	

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

# TABLE 3:

## SETTLEMENTS EFFECTED BY GROUND, 1993-94

	Specific & General Damages	Complainants Receiving Damages	Offer of Job or Facility	Offer of, or Consideration for, Next Job or Facility	Affirmative Action Implemented	Seminars with Respondent Staff	Review of Policies or Documents	Issuance or Correction of References	Letter of Apology to Complainant	Written Declaration of Management Policies
RACE/COLOUR	\$305,105	51	23	5	6	28	31	14	36	77
ETHNIC ORIGIN <sup>1</sup>	\$59,287	7	3	1	4	3	8	3	10	17
CREED	\$6,000	2	3	—	—	1	2	4	3	4
SEX & PREGNANCY	\$334,409	65	21	10	2	22	40	16	20	81
SEXUAL HARRASSMENT	\$260,720	84	5	1	2	35	53	27	33	81
SEXUAL ORIENTATION	\$8,050	4	1	—	—	1	8	—	5	5
AGE	\$125,283	21	13	3	—	6	34	5	7	25
MARITAL STATUS	\$13,171	9	8	3	—	5	14	1	5	13
FAMILY STATUS	\$31,886	14	11	1	1	2	14	1	6	17
HANDICAP	\$633,293	106	76	11	—	26	70	25	28	86
RECEIPT OF PUBLIC ASSISTANCE <sup>2</sup>	\$500	1	8	5	—	2	6	1	—	3
OTHER	\$16,795	4	3	1	—	1	1	1	—	1
<b>TOTAL</b>	<b>\$1,794,499</b>	<b>368</b>	<b>175</b>	<b>41</b>	<b>15</b>	<b>132</b>	<b>281</b>	<b>98</b>	<b>153</b>	<b>410</b>

1. Citizenship, ancestry, place of origin

2. Only in accommodation

TABLE 4:

Complaints Closed by Provision, Disposition &amp; Ground, 1993–94

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	RBOSNG <sup>4</sup>	TOTAL	PERCENTAGE(%)
<b>EMPLOYMENT</b>															
Board Appointed	7	4	–	9	7	4	2	–	2	29	–	–	–	64	4
Settled	86	15	13	132	115	6	54	23	9	182	–	1	1	637	40
Dismissed or not pursued	72	25	3	36	16	1	40	7	8	62	–	–	3	273	17
Withdrawn	132	19	13	122	80	3	58	10	8	187	–	1	1	634	39
<b>TOTAL</b>	<b>297</b>	<b>63</b>	<b>29</b>	<b>299</b>	<b>218</b>	<b>14</b>	<b>154</b>	<b>40</b>	<b>27</b>	<b>460</b>	<b>–</b>	<b>2</b>	<b>5</b>	<b>1,608</b>	<b>100</b>
<b>ACCOMMODATION</b>															
Board Appointed	4	–	–	1	1	2	–	–	1	2	1	–	–	12	6
Settled	14	4	–	–	7	4	6	9	29	13	18	–	–	104	53
Dismissed or not pursued	3	–	1	–	2	–	–	4	3	2	4	–	–	19	10
Withdrawn	10	3	1	2	4	1	1	4	9	6	18	–	1	60	31
<b>TOTAL</b>	<b>31</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>14</b>	<b>7</b>	<b>7</b>	<b>17</b>	<b>42</b>	<b>23</b>	<b>41</b>	<b>–</b>	<b>1</b>	<b>195</b>	<b>100</b>
<b>SERVICES</b>															
Board Appointed	2	–	–	2	–	1	–	–	–	1	–	–	–	6	2
Settled	39	9	3	11	–	5	7	3	3	45	–	–	–	125	48
Dismissed or not pursued	15	–	1	1	–	3	1	5	2	19	–	–	4	51	19
Withdrawn	24	2	3	6	–	6	2	3	3	32	–	–	–	81	31
<b>TOTAL</b>	<b>80</b>	<b>11</b>	<b>7</b>	<b>20</b>	<b>–</b>	<b>15</b>	<b>10</b>	<b>11</b>	<b>8</b>	<b>97</b>	<b>–</b>	<b>–</b>	<b>4</b>	<b>263</b>	<b>100</b>
<b>CONTRACTS, VOCATIONAL ASSOCIATIONS, REPRISALS, BREACH OF SETTLEMENTS</b>															
Board Appointed	–	–	–	1	–	–	–	–	–	–	–	–	2	3	5
Settled	3	1	–	2	–	–	–	–	–	1	–	–	6	13	23
Dismissed or not pursued	–	–	–	4	–	–	–	–	2	–	–	–	11	17	30
Withdrawn	–	–	–	13	–	–	–	–	–	1	–	–	9	23	41
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>–</b>	<b>20</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>2</b>	<b>2</b>	<b>–</b>	<b>–</b>	<b>28</b>	<b>56</b>	<b>100</b>

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

4. RBOSNG—Reprisal, Breach of Settlement, No Grounds

# Table 5:

Employment Complaints Closed by Disposition & Ground, 1993-94

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Record of Offences <sup>2</sup>	RBOSNG <sup>3</sup>	TOTAL	PERCENTAGE(%)
<b>RECRUITMENT &amp; HIRING</b>													
Board Appointed	2	3	-	2	-	-	-	-	1	-	-	8	3
Settled	13	1	3	28	-	24	8	6	16	1	1	101	43
Dismissed or not pursued	14	11	1	6	-	4	1	-	8	-	3	48	21
Withdrawn	14	1	3	18	-	14	4	4	18	-	-	76	33
<b>TOTAL</b>	<b>43</b>	<b>16</b>	<b>7</b>	<b>54</b>	<b>0</b>	<b>42</b>	<b>13</b>	<b>10</b>	<b>43</b>	<b>1</b>	<b>4</b>	<b>233</b>	<b>100</b>
<b>PERCENTAGE(%)</b>	<b>18</b>	<b>7</b>	<b>3</b>	<b>23</b>	<b>0</b>	<b>18</b>	<b>6</b>	<b>4</b>	<b>18</b>	<b>0</b>	<b>2</b>	<b>100</b>	
<b>TERMINATION</b>													
Board Appointed	2	1	-	2	1	1	-	2	9	-	-	18	3
Settled	32	4	4	73	1	26	9	2	105	-	-	256	37
Dismissed or not pursued	35	3	2	16	1	24	6	1	34	-	-	122	17
Withdrawn	64	15	5	65	1	25	6	4	116	1	1	303	43
<b>TOTAL</b>	<b>133</b>	<b>23</b>	<b>11</b>	<b>156</b>	<b>4</b>	<b>76</b>	<b>21</b>	<b>9</b>	<b>264</b>	<b>1</b>	<b>1</b>	<b>699</b>	<b>100</b>
<b>PERCENTAGE(%)</b>	<b>19</b>	<b>3</b>	<b>2</b>	<b>22</b>	<b>1</b>	<b>11</b>	<b>3</b>	<b>1</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>100</b>	
<b>DURING EMPLOYMENT</b>													
Board Appointed	3	-	-	5	3	1	-	-	19	-	-	31	7
Settled	41	10	6	31	5	4	6	1	61	-	-	165	36
Dismissed or not pursued	23	11	-	14	-	12	-	7	20	-	-	87	19
Withdrawn	54	3	5	39	2	19	-	-	53	-	-	175	38
<b>TOTAL</b>	<b>121</b>	<b>24</b>	<b>11</b>	<b>89</b>	<b>10</b>	<b>36</b>	<b>6</b>	<b>8</b>	<b>153</b>	<b>0</b>	<b>0</b>	<b>458</b>	<b>100</b>
<b>PERCENTAGE(%)</b>	<b>26</b>	<b>5</b>	<b>2</b>	<b>19</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>2</b>	<b>33</b>	<b>0</b>	<b>0</b>	<b>100</b>	
<b>TOTAL<sup>4</sup></b>	<b>297</b>	<b>63</b>	<b>29</b>	<b>299</b>	<b>14</b>	<b>154</b>	<b>40</b>	<b>27</b>	<b>460</b>	<b>2</b>	<b>5</b>	<b>1,390</b>	

1. Citizenship, ancestry, place of origin

2. Only in employment

3. RBOSNG—Reprisal, Breach of Settlement, No Grounds

4. The total excludes 218 sexual harassment complaints

# Table 6:

## Employment Complaints Closed by Type of Work, 1993–94

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Record of Offences <sup>2</sup>	RBOSNG <sup>3</sup>	TOTAL	PERCENTAGE(%)
Professional, Managerial, Technical	89	21	7	84	41	7	38	8	15	98	–	3	411	26
Sales	19	3	7	39	31	1	15	11	1	27	1	–	155	10
Clerical	37	4	1	64	55	1	20	4	–	66	–	–	252	16
Craft & Forepersons	18	4	3	11	11	–	34	1	1	42	–	1	126	8
Operatives	36	2	2	3	6	–	7	2	1	50	–	–	109	7
Services	38	4	3	35	45	5	15	9	3	32	–	–	189	12
Labour, General	57	25	6	63	24	–	22	5	6	139	1	1	349	22
Unspecified	3	–	–	–	5	–	3	–	–	6	–	–	17	1
<b>TOTAL</b>	<b>297</b>	<b>63</b>	<b>29</b>	<b>299</b>	<b>218</b>	<b>14</b>	<b>154</b>	<b>40</b>	<b>27</b>	<b>460</b>	<b>2</b>	<b>5</b>	<b>1,608</b>	<b>100</b>

1. Citizenship, ancestry, place of origin

2. Record of employment

3. RBOSNG—Reprisal, Breach of Settlement, No Grounds

# Table 7:

## Complaints Closed by Type of Industry, 1993-94

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	RBOSNG <sup>4</sup>	TOTAL	PERCENTAGE(%)
<b>NATURAL RESOURCES</b>	3	1	-	3	2	-	1	-	-	4	-	-	-	14	1
<b>MANUFACTURING</b>															
Metals, Parts, Machinery	15	1	-	10	13	-	9	-	1	30	-	-	1	80	
Food, Tobacco	3	2	-	5	4	-	5	1	-	13	-	-	1	34	
Wood, Furniture, Paper	21	2	1	3	6	-	1	2	-	13	-	1	-	50	
Automotive, Aircraft	7	3	1	7	3	-	1	-	-	17	-	-	-	39	
Electrical	7	-	1	7	2	-	27	-	-	10	-	-	-	54	
Others	23	6	2	25	26	-	11	3	6	80	1	-	3	186	
<b>Subtotal</b>	<b>76</b>	<b>14</b>	<b>5</b>	<b>57</b>	<b>54</b>	<b>0</b>	<b>54</b>	<b>6</b>	<b>7</b>	<b>163</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>443</b>	<b>21</b>
<b>CONSTRUCTION</b>	-	1	-	4	1	-	2	-	1	7	-	-	1	17	1
<b>TRANSPORTATION, UTILITIES &amp; COMMUNICATION</b>	14	1	1	18	4	-	7	1	1	32	-	-	1	80	4
<b>TRADE &amp; RETAIL</b>	50	13	8	62	32	4	20	12	1	58	-	-	3	263	12
<b>FINANCE, INSURANCE &amp; REAL ESTATE</b>	49	11	2	22	29	7	16	24	40	64	34	-	5	303	14
<b>COMMUNITY, BUSINESS &amp; PERSONAL SERVICES</b>															
Schools, Colleges, Universities	37	9	5	15	7	3	5	3	7	22	-	-	7	120	
Hospitals, Physicians	25	3	2	21	14	3	9	4	3	61	-	-	3	148	
Employment agencies	-	2	-	-	-	-	1	-	-	-	-	-	-	3	
Hotels, Restaurants	26	6	-	31	37	6	16	5	2	29	-	-	-	158	
Others	63	13	12	84	37	5	19	5	9	72	1	-	4	324	
<b>Subtotal</b>	<b>151</b>	<b>33</b>	<b>19</b>	<b>151</b>	<b>95</b>	<b>17</b>	<b>50</b>	<b>17</b>	<b>21</b>	<b>184</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>753</b>	<b>35</b>
<b>PUBLIC ADMINISTRATION</b>	63	8	3	23	12	8	20	7	7	68	4	1	9	233	11
<b>Unspecified</b>	5	-	-	2	3	-	1	1	1	1	2	-	-	16	1
<b>TOTAL</b>	<b>411</b>	<b>82</b>	<b>38</b>	<b>342</b>	<b>232</b>	<b>36</b>	<b>171</b>	<b>68</b>	<b>79</b>	<b>581</b>	<b>42</b>	<b>2</b>	<b>38</b>	<b>2,122</b>	<b>100</b>

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in Employment

4. RBOSNG—Reprisal, Breach of Settlement, No Grounds





# ANNUAL REPORT

1994 – 95

ONTARIO HUMAN RIGHTS COMMISSION  
ANNUAL REPORT  
1993–94 AND 1994–95



**Ontario Human  
Rights Commission**

Chief Commissioner

180 Dundas Street West  
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Tel (416) 314-4541

**Commission ontarienne  
des droits de la personne**

Commissaire en chef

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Ontario

**May 16, 1996**

**Honourable Marilyn Mushinski  
Minister of Citizenship, Culture and Recreation  
6th Floor, 77 Bloor Street West  
Toronto, Ontario  
M7A 2R9**

**Dear Minister:**

Pursuant to Section 31(1) of the *Ontario Human Rights Code*, it is my pleasure to provide to you the Annual Report of the Ontario Human Rights Commission for the fiscal year 1994-1995 for submission to the Legislative Assembly of Ontario.

This report reflects the activities of the Commission to March 31, 1995.

Yours sincerely,

A handwritten signature in cursive script that reads "Rosemary Brown".

**Rosemary Brown, P.C.  
Chief Commissioner**



# PREFACE

**T**HIS YEAR, the Commission continued to build on the changes and initiatives that were begun the year before. The commitment was to work towards making the Commission more efficient and effective in delivering on its mandate. This was to be done not through cosmetic changes, but through structural re-organization.

In the process, we have not lost sight of the Commission's position as the oldest and one of the largest human rights agencies in Canada. The Commission has had an especially important role to play in the development of a society that takes to heart the belief that all of its citizens are equal. The Commission's priority has been to promote a productive, informed agency that would foster a 'learning organization'. To this end, steps have been taken to ensure that fairness and natural justice are integrated into each step of the complaints management process.

Better organization and training have resulted in the speedier processing of complaints and improved management practices. In addition, public education initiatives received renewed attention. For example, the Commission finalized a very exciting project for high school students this year entitled *Teaching Human Rights In Ontario*. These materials were published by the Commission for use in English and French schools in Ontario and are designed to assist students to understand and appreciate their own rights and responsibilities, the rights and responsibilities of others, and the entitlement of all people to dignity and respect.

The Commission has also furthered public interest in human rights through cases that raise important issues. The Commission identifies those cases that have implications beyond the individual complaint, and publicizes the results of noteworthy settlements or reaches agreements that benefit a wide number of people in addition to the complainant. In this way, the Commission is able to broaden the impact of such cases and to be more proactive in dealing with human rights issues.

An example of a noteworthy settlement involved a group of complaints against a major Toronto area hospital. The complaints, filed by ten nurses, alleged that the hospital's procedures and actions had resulted in direct and systemic racial discrimination against racial

minority nurses. The terms of the settlement included a commitment by the hospital to develop measures to address the presence of systemic racism in the workplace.

In addition, through a systemic approach to appropriate individual complaints, the Commission was able to target policies and practices that on the surface appear to be neutral, but which have a demonstrably negative impact on members of groups protected by the *Code*. While the Commission was facing those issues, its caseload continued to increase and its budget was reduced. We handled almost 120,000 inquiries and referrals this year and managed a formal caseload of 2,407 complaints. Of that number, *only 172* had been in process for three years or more. The average time of processing complaints, from filing to resolution, was fifteen months.

The focus of the work of the Commission, however, has not been the quantity of complaints, but rather the quality of service delivered to both complainants and respondents, with an emphasis on the extent to which the rights of all the residents of the province are being protected.

In this year, as the world watched in horror the escalation of gross violations of human rights, and the disquieting encroachment of racial and ethnic intolerance on an international scale, we experienced reminders that we are not immune from discrimination and intolerance here in Ontario, especially in the workplace. These times of rising unemployment and dwindling public resources are reflected in the fact that 69% of complaints filed with the Commission are in the area of employment. These are primarily on the grounds of handicap, race, ethnic origin and gender.

As we move into the future, we hope that the changes in the procedures and practices of the Commission will continue, and that the resulting improvement in effectiveness and efficiency will make the mandate of the *Code* real to more people. We know, however, that the challenges facing the Commission will grow as the definition of human rights continues to expand and change. Financial restraints also put pressures on society's attitude towards fairness and equity with the result that the Commission is increasingly called upon to right the balance. Diminishing resources will necessarily affect the



Commission's ability to discharge its mandate as these factors strain the delicate balance between protecting the rights of individual complainants and the rights of communities and groups.

The Commission's work is not performed in isolation. Public commitment to human rights and individual dignity and worth is crucial to the success of the interests for which the Commission is responsible. Barring a diminished commitment to the issues or profound resource reductions, the Commission faces the future confident that if we stay the course, the Commission will be able to meet these challenges.

Rosemary Brown, P.C.  
Chief Commissioner

# I OVERVIEW

HUMAN RIGHTS HAVE been called the “great idea of our time”.<sup>1</sup> Ontario has had a stake in that idea longer than any province in this country. Human rights legislation in Ontario goes back to 1944, and in 1962 the Ontario Human Rights Commission became Canada’s first human rights agency. With thirty-two years of experience in serving this province’s citizens and communities, the Commission handles over one hundred thousand inquiries and referrals a year and processes over 2,000 formal complaints annually. The Commission also litigates dozens of cases each year before boards of inquiry and the courts as part of its role in promoting an understanding of and commitment to human rights as a matter of public interest pursuant to the *Human Rights Code*.

The Commission is uniquely engaged — it is engaged not only with enforcing legislation, but also in the defence of human rights and human dignity. The scope of that task has grown enormously over the last three decades. In 1962, the predecessor to today’s *Code* originally covered a small number of grounds such as race, colour, nationality, creed and sex. Today, the grounds have expanded to include citizenship, ethnic background, age, marital status and disability, to name a few. Since 1982 the *Code* has also prohibited harassment and discrimination in the area of housing based on receipt of public assistance. Sexual orientation was added in 1986. The growth in the legislative mandate, coupled with an increasing public awareness of human rights issues, has had a cumulative effect on the demands made upon the agency.

The Commission recognizes that it must offer quality service while remaining sensitive and flexible enough to respond to the ever-changing face of discrimination. It must defend respect for individual rights, while fulfilling its mandate to provide protection for people who face discrimination on the sole basis of their membership in a *group*. It must do all this, and do it well, in a time of fiscal restraints. In sum, these challenges make it clear that the “great idea of our time” must become more than just an idea. Human rights must become a reality for every citizen of this province.

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<sup>1</sup> P.R. Ghandi, *Blackstone’s International Human Rights Documents* (London: Blackstone Press Ltd, 1995), at vii.

In July, 1994 the Standing Committee on Government Agencies issued its twentieth report on agencies, boards and commissions of the Government of Ontario. As part of its mandate, the Committee reviewed the operations of the Ontario Human Rights Commission, and heard from a wide range of witnesses, experts from community groups and other stakeholders.

The Commission provided extensive background information on the organizational reforms that it had introduced in 1993-94. The Standing Committee supported the reform process, noting that the reforms are part of a program of renewal, based on a series of organizational improvement initiatives.<sup>2</sup> The Standing Committee stated that it was:

*impressed by this program of renewal, as well as Ms. Brown's personal commitment to the task of reforming the Commission. It is clear that the Commission is devoting considerable time and energy to reforming itself in order to better serve its clients and the cause of human rights in Ontario. Members [of the Committee] agree that further efforts to implement change at the Commission must build on reforms already introduced.*<sup>3</sup>

However, the Standing Committee also noted that witnesses before the Committee expressed ongoing concerns about delays in case processing. Some witnesses were anxious that the Commission's efforts to eliminate delays were adversely affecting the Commission's investigatory procedures.

## KEY DEVELOPMENTS

The Commission carefully reviewed its own procedures and policies during the fiscal year 1994-1995 and concerted efforts were made to address specific concerns. A few of the more notable accomplishments are summarized here:

- resources continue to be focused on settlement efforts at the beginning of the complaints process. The results have been favourable: 36% of the cases that come before the Commission are now settled in this preliminary phase;
- there has been a 30% increase in the number of formal complaints that the Commission closed in this fiscal year as compared to the previous year;
- there has been a decrease in the length of time it takes to resolve cases in the Commission's caseload. The average is now down to fifteen months;

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<sup>2</sup> These reforms are described in detail in the 1993-94 Annual Report.

<sup>3</sup> Legislative Assembly of Ontario, *Standing Committee on Government Agencies: Report on Agencies, Boards and Commissions* (no. 20) (3rd Sess., 35 Parliament, 43 Elizabeth II) at 75.

- the number of cases over 3 years old has been reduced by 102 in comparison to the beginning of last year. This means that these cases now constitute 7% of the total Commission caseload, as compared to 15% in 1993.
- the Commission has developed guidelines and recommendations for dealing with race cases to assist officers in the investigation process.

These developments are the result of the organizational reforms which resulted from the improvement initiatives introduced at the Commission last year. An overview of the reforms, and the progress being made in each area is set out below.

## II ORGANIZATIONAL REFORM

### CASE MANAGEMENT

BASED ON TESTIMONY before the Standing Committee, there is growing interest in and expectations about greater transparency and accountability in the Commission's work. These expectations tend to focus on case management issues, ranging from the number of complaints in the system at any given time, to how long it takes to handle them, to how decisions are made about cases.

Competent, sensitive and timely service is a priority for both the Commission and the public. The *Quality and Quantity Assurance Program* was established last year to guide the Commission in its bid to deal fairly and consistently with a high volume of complaints, while maintaining the balance between productivity and fairness.

As part of its legal requirement to attempt to settle complaints, the Commission has continued to use its resources to bring the parties together whenever possible. This preliminary process is called the Early Settlement Initiative ("ESI"). The Commission endeavours to negotiate an agreement between the parties to a complaint in order to resolve their differences without a formal investigation by the Commission. In 1994-95, the Commission was able to resolve over one-third of all complaints in this way.

Moreover, the Commission's capacity to resolve formal complaints has also improved, with dramatic results for the older complaints in the system. "Formal complaints" are cases where no early settlement has been reached under the ESI and where a written, signed complaint is initiated. Formal complaints involve investigation, interviewing witnesses and obtaining evidence. Settlement remains an option at any stage of the proceedings.

The *Quality and Quantity Assurance Program* has also allowed Commission staff to develop better tools for resolving complaints. The results were readily obvious this year. In 1994-1995, with fewer resources, the Commission resolved a total of 2,105 complaints. In 1994-95, the Commission resolved 30% more formal complaints than it did in the previous year. Most important, fewer than 180 of the 2,407 complaints on file were more than three years old by the end of the fiscal year. This represents a 50% improvement in this category in relation to the beginning of the preceding year.

The need to balance productivity and fairness in the complaints system has been tested in a number of areas, and one important area for the Commission is its use of section 34 of the *Code*.



Section 34 (1) allows the Commission not to deal with complaints on the basis of certain limited circumstances.<sup>4</sup> Section 34 has been law since 1981. However, in the past, the decision to use section 34 was often deferred to the end of the investigation. In 1992, a legislative development had important implications for the Commission by creating another forum for resolving disputes involving human rights. The Ontario *Labour Relations Act* was amended to empower labour arbitrators and boards to interpret and apply the provisions of the *Human Rights Code* in making decisions about grievances.

Certain witnesses before the Standing Committee on Government Agencies noted that section 34 was not adequately used, and that the Commission was taking on cases that were outside its mandate as a result. Other witnesses, such as community groups, were of the view that the Commission was using jurisdictional grounds to exclude *too many* complaints and for interpreting its mandate too narrowly.

The Commission is of the view that a fair, balanced policy is required that allows the Commission to use section 34 more appropriately, while still retaining a case-by-case approach to accepting complaints. After hearing the testimony of the various expert witnesses including advocacy groups, consultants and lawyers, the Standing Committee recommended that the Commission continue to use section 34 more rigorously.<sup>5</sup> As a result, the Commission now responds to requests for a decision to be made under section 34 at the beginning of the complaints process.

While the Commission does have the discretion under section 34 to not deal with certain complaints, it also has the discretion to deal with cases where the public interest would be served. A particular case of discrimination may have widespread systemic implications, for example, and the Commission may agree to deal with it, even though it could have been channelled to another forum under other legislation.

For example, one complaint that the Commission dealt with this year involved a complainant whose union had already dealt with the matters that were later brought before the Commission. The

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<sup>4</sup> Section 34 (1) of the *Code* gives the Commission the discretion not to deal with a complaint if (a) it is more appropriately dealt with under other legislation, (b) if the complaint is trivial, frivolous, vexatious or made in bad faith, (c) if the complaint is not within the Commission's jurisdiction, or (d) if the complaint is filed more than six months after the occurrence of the events on which the complaint is based.

<sup>5</sup> Standing Committee, *supra* note 3 at 82.



Commission decided to accept the complaint because of allegations that the union itself had behaved in a manner that had discriminated against women employees in the workplace, and because the union had not negotiated an adequate settlement for the complainant.

## JUSTICE IN TIME

People who file complaints trust the Commission to deal with the protection of their rights in a timely manner. Similarly, persons or organizations against whom complaints are filed also want to see the situation dealt with quickly. The Commission has sought to identify those areas in the complaints process that create delays in order to reduce the time it takes to resolve complaints. One area that has been identified is the “pending” category, namely the time it takes to assign a complaint to an officer after a complaint has been filed. By the end of March, 1995 only 15% of formal complaints were awaiting assignment, compared to 44% the previous year.

Even after the complaint is dealt with by the Commission, delays can arise if the matter has been referred to a board of inquiry. A board of inquiry is an independent decision-making body that is entirely separate from the Commission. Scheduling difficulties of the parties or of the board of inquiry itself may cause some delays. While the Commission recognizes that delays serve no one in the process, these delays are, unfortunately, part of the litigation process. However, the Commission has been advised that full-time members will be appointed to the Office of the Board of Inquiry, thus increasing the likelihood of expedient processing of complaints before a Board.

## CUSTOMER SERVICE

In human rights cases, the subject matter is often sensitive and emotionally charged. Many of the individuals who seek protection under the *Code* are vulnerable, financially or otherwise.

Complainants or respondents who have the impression that their concerns are not being heard, feel that their human rights are being violated twice. The Commission recognizes the importance of listening to what our clients have to say and this year, the Chief Commissioner and senior staff met with the President of the Ontario Public Service Employees Union, as well as with representatives of the Ontario Nurses' Association and the Ontario Federation of Labour, in order to respond to concerns about delays in processing cases, the approach to section 34 of the *Code* and a range of other issues.

## RECONSIDERATION OF COMMISSION DECISIONS

If a complainant is dissatisfied with the Commission's handling of, or with its decision on a case, section 37 of the *Code* gives the complainant the right to apply for reconsideration. According to the *Code*, this request must be received within 15 days from the date that the Commission mailed the notice of its decision.

Once a reconsideration request is received, a reconsideration officer reviews the file and makes a recommendation to the Commission as to whether the original decision should be upheld or reversed.

At the beginning of last year, the Commission had 354 Reconsideration requests on file. The Commission assigned additional resources to assist in their resolution, and by the end of March, 1995 more than 130 of these files had been re-opened and dealt with.

## TECHNOLOGY

Over the past two years, the Commission has increasingly come to recognize the key role that information technology plays in improving service to the public. The Technology Mentoring Program concluded in April, 1994 and achieved its primary goal of encouraging staff to use technology in their daily work.

To further streamline and enhance the use of technology, the Commission this year established an internal Information Technology Steering Committee with a mandate to maximize the use of available technology.

The Commission also began preparing a three-year technology plan. The primary objective of the plan is to develop a comprehensive technology and database architecture that will network all field offices, provide appropriate links to Head Office and implement a computerized case tracking and case management system.

## TRAINING AND DEVELOPMENT

A highly trained workforce is critical to the agency's ability to fulfil its commitment to renewal. This year, staff participated in a change management program organized jointly by the Commission and Management Board Secretariat. The program was designed to facilitate transition through major changes within both the Commission and the Ontario Public Service as a whole. A series of sessions on customer service and dealing with challenging customers was also provided to human rights officers during this fiscal year.

### *(1) HANDLING RACE-BASED COMPLAINTS*

In the past, the public has expressed concern about the Commission's handling of complaints based on race and, in particular, about staff training in this area. The Commission recognizes that race cases

frequently present unique problems in investigation and analysis, and that investigators benefit from training in the specific skills required to resolve these cases. A series of workshops was developed for decision-makers and case management staff about methods for handling race-based complaints. More than one hundred participants attended the two-day sessions.

*(2) GUIDELINES AND RECOMMENDATIONS FOR DEALING WITH  
RACE CASES FROM INTAKE TO BOARD OF INQUIRY*

The content of the sessions on race-based complaints was drawn from the Commission's *Guidelines and Recommendations for Dealing with Race Cases From Intake to Board of Inquiry* that were released to Commission staff in October, 1994. A resource kit accompanied these materials in order to provide research tools and background information to assist human rights officers in the fair, informed investigation of complaints based on race.

## ORGANIZATIONAL HEALTH

Integrating anti-racism principles into the workplace is an integral feature of the Commission's program of reform. Part of the Commission's process of creating a barrier-free workplace includes the Employment Systems Review (ESR). The ESR was undertaken by the Commission in accordance with the requirements of the Ontario government's Accelerated Employment Equity Program. Through the ESR, the Commission is examining its own employment policies, practices and organizational culture in order to identify any internal barriers that may prevent full participation by all members of its workforce.

# III ISSUES IN HUMAN RIGHTS

## HANDICAP

FOR PERSONS WITH disabilities, access to services is fundamental to meaningful integration in society. Especially important are those services that lie at the heart of access and integration into today's world: educational services. Educational facilities that are not accessible to persons with physical disabilities are not only in violation of the *Code*, but they also become institutional symbols of the exclusionary policies that affect the disability community.

This year, the Commission and Trent University were parties to a major settlement arising out of the allegation that that University's facilities were not accessible enough to students with physical disabilities. A complaint had been initiated by the Commission in an effort to address the issue, and the matter was settled prior to a board of inquiry.

Under the terms of the settlement, Trent University made crucial changes such as relocating its Special Needs office to an area that was closer to an accessible entrance. It accelerated its program to improve physical access to its buildings and upgraded the position of Special Needs Coordinator to a full-time, year-round one. These initiatives were incorporated into the settlement agreement, which has allowed the University to become a model institution for other educational services.

## SEX

### *RECOMMENDATION FOR LEGISLATIVE REFORM*

An ongoing issue for women in employment is the way that they are treated as a result of maternity leave or parental leave. The denial of basic benefits during pregnancy and parental leave is part of the practical and financial burdens that have been placed on women who decide to have families.

The present state of the law in Ontario is that women on pregnancy or parental leave are excluded from group disability insurance plans. This exclusion is found in a regulation to the *Employment Standards Act*, which only the Ministry of Labour has the authority to amend. However, the Commission sought to address this issue by investigating and referring to boards of inquiry a number of complaints filed by women who claimed to have been disadvantaged by discriminatory insurance schemes. The complaints were settled without a definitive ruling.



In December, 1994 the Commission recommended that the Ministry of Labour amend the regulations to the *Employment Standards Act* to provide women with access to disability benefits during such periods of their pregnancy or parental leave that they would have been unable to work for health-related reasons.

### *EXCLUSIONARY POLICIES IN GOLF CLUBS*

The number of women in business and holding senior positions in our society has made it critical for women not to be blocked in accessing services and facilities that provide basic privileges, such as socializing and networking with clients and colleagues. One traditional haven for these activities is the Golf Club. It is not uncommon for women to discover that their access to such clubs is restricted during the very times when they would most want to have access to these services.

The Beach Grove Golf and Country Club prevented women from playing between 5 - 7 p.m. on weekdays and on Saturday mornings. These are obviously prime periods for the kind of business networking for which golf clubs are so popular. Tamra Jean Tobin was a member of Beach Grove and wanted to play during its peak times. She alleged in a complaint to the Commission that because she is a woman, the Club refused to allow her to do so. In May, 1994 the Commission negotiated a settlement that resulted in women receiving equal playing privileges at the Club.

In a precedent-setting agreement, the Club also agreed to pay Ms Tobin \$10,000 for general and specific damages, and agreed to amend their policies so that they do not discriminate against women.

### *VARIETY STORES COMPLAINTS*

The availability of pornographic and sexually explicit materials in retail outlets and in communities has long been a source of controversy. The issue was raised through complaints that were filed by two women who objected to the display of sexually explicit magazines in three convenience stores where they shopped. The complainants alleged that the presence of these magazines created a "poisoned" environment against women who shopped at these stores.

In 1994-1995, one of the three *Variety Stores* complaints was settled. In the settlement, the respondent agreed that he would not sell sexually explicit magazines in any business he owned in the future. The remaining complaints are still before the Commission.

### *FEMALE GENITAL MUTILATION TASK FORCE*

In June, 1992 the World Health Organization issued a statement declaring female genital mutilation (FGM) to be a health concern, and urging health practitioners not to perform the procedure. It called on governments and women's organizations to "intensify educational

programmes to inform the public about the harmfulness of female circumcision”. Countries such as Sweden, Kenya, the U.K. and France have since passed legislation banning the practice of FGM. The U.S. is studying the “Shroeder Bill”, which calls for a program of legislation, education and outreach to prevent FGM.

In Ontario, our child protection laws permit a child to be taken into care if it is suspected that she is in danger of being subjected to the practice inside or outside of Canada. Because immigration has brought the at-risk communities to Canada, Ontario created an FGM Task Force in 1994 to look at the practice and to identify broad-based strategies for its prevention and eradication. The Task Force included representatives from provincial government ministries and agencies, including the Ontario Human Rights Commission, community groups, the federal government, and members of the broader public sector such as the College of Physicians and Surgeons.

## SPECIAL PROGRAMS

Section 14 of the *Code* allows an employer to establish a special program designed to relieve hardship, or to assist disadvantaged persons or groups to achieve or attempt to achieve equality.

For example, the City of Toronto implemented an employment equity program for women and racial minorities in the fire department. Because of the public nature of the debate over the program and the potential for complaints under the *Code*, the Commission offered to intervene and to mediate between the City and the fire department. The Commission became part of the Firefighter Recruitment Work Group which had been created in 1993 to review the fire department’s employment policies, and to find ways of increasing the representation of women, persons with disabilities, Aboriginal peoples and racial minorities in the department.

In September, 1994 the Working Group presented its findings in a draft report to City Council. The City of Toronto responded by seeking to increase the pool of applicants for positions in the fire department through advertisements in community newspapers, local publications and other forms of outreach.

## RACE

*THE SETTLEMENT WITH NORTHWESTERN GENERAL HOSPITAL*  
The *Code* gives the Commission authority to initiate or accept complaints that are systemic in nature. Systemic discrimination refers to the adverse impact of an organization’s policies and practices on members of groups protected under the *Code*. The Commission screens all complaints to determine if there are systemic factors that warrant investigation beyond the allegations of the individual



complainant. One such recent example involved ten complaints against Northwestern General Hospital by racial minority nurses. The nurses alleged that they had been discriminated against on the ground of their race with regard to their treatment in the workplace, were denied advancement and were unfairly disciplined, to name a few. The Hospital denied the allegations. The complaints were investigated as a group, and a board of inquiry was appointed.

In April, 1994 the Commission announced the settlement of eight of the ten complaints. The other two are being conciliated separately. The settlement was reached with the help of an external mediator, Stephen Lewis. The Hospital granted financial compensation to seven of the nurses for a total of \$320,000. However, the settlement terms went beyond individual compensation to address deeper problems. The Hospital agreed, among other steps, to create the position of Vice-President of Ethno-Racial Equality. A Human Rights Committee was established to find ways to ensure that managers are accountable for their handling of racial issues, and to train all staff — including doctors and volunteers — in anti-racism principles.

### *EMPLOYMENT AGENCIES*

Another major settlement involved two Toronto employment agencies. In 1991, the Commission had initiated two complaints against the agencies. The complaints were based on information that the agencies were engaging in racially discriminatory practices when responding to clients' requests for staff. In the resulting settlement, the agencies agreed to implement a series of anti-racism measures and to have the Commission monitor their progress over a three-year period. The Commission's enforcement initiative was fully implemented at the end of this fiscal year.

## PLACE OF ORIGIN

Persons who receive their formal education and training outside of Ontario frequently require registration or accreditation in order to practice their profession or trade in this province. However, these applicants encounter difficulties in obtaining accreditation for their qualifications, and this has generated complaints to the Commission. Historically, complainants have alleged that the refusal to recognize their qualifications amounts to discrimination under the *Code* on the ground of place of origin.

In response, a provincial task force was created in 1988 to review foreign accreditation procedures. The *Task Force to study Access to Professions and Trades in Ontario* identified systemic policies and practices that act as barriers to individuals who receive their training outside of the province and the country. Recommendations for

systemic overhaul and elimination of these systemic barriers were put forward by both the Task Force and the *Stephen Lewis Report (1992)*, many of which were being implemented following the approval of a Cabinet submission in September, 1992. As a result, appeals processes are now generally available for most registrable professions and trades. The Ministry of Citizenship also set up a permanent unit of the Program Development Branch to deal directly with these issues.

The Commission noted that it has historically received complaints alleging that difficulty in obtaining accreditation constitutes discrimination under the *Code*. However, because appeals procedures have become generally available, Commission investigators have been duplicating work already being done before accreditation bodies that are considering similar complaints. In December, 1994, the Commission decided to not deal with or to dismiss, as appropriate, complaints that challenge accreditation criteria where an appeals procedure exists through the accrediting body.

On the other hand, the Commission has also decided to continue to accept and investigate foreign accreditation complaints that raise allegations of differential treatment by accrediting or examining bodies because of any of the grounds protected by the *Code*.

## SEXUAL ORIENTATION

Although sexual orientation is now a protected ground under the *Code*, it is unfortunately the case that gay and lesbian couples must seek legal redress in order to obtain benefits and advantages that normally accrue to heterosexual persons in conjugal relationships, such as medical and pension benefits.

The *Code* currently provides protection from discrimination on a number of grounds, including sexual orientation, in the area of services, goods and facilities, occupancy of accommodation, the right to enter into a contract, employment and membership in trade associations. The *Code*'s protection against harassment, however, does not extend to the ground of sexual orientation. The result is that there is no explicit protection from harassment in the area of accommodation and employment on the basis of sexual orientation.

In December, 1994 the Commission made a number of proposals to the Minister of Citizenship in order to strengthen the protection in the *Code* on the ground of sexual orientation. Although the Commission has taken the position before boards of inquiry that the *Code* should be interpreted so as to include the right to freedom from harassment in occupancy of accommodation and employment because of sexual orientation, this interpretation has not always been accepted by boards of inquiry.

The Commission has consistently forwarded the view that society's refusal to recognize gay and lesbian relationships is a form of prohibited discrimination under the *Code* on the basis of sexual orientation. In August 1992, a board of inquiry decided in the case of *Leshner v. Ministry of the Attorney General* that:

*the definition of marital status in Section 10(1) of the Ontario Human Rights Code be read down by omitting the words "of the opposite sex" so that marital status means the status of being married, single, widowed, divorced or separated, and included the status of living with a person in a conjugal relationship outside marriage.*

In 1994, the Commission recommended that the Government amend the *Code* to change the definition of "marital status" in section 10 of the *Code* to reflect the holding in *Leshner*.

## IV PUBLIC EDUCATION

THE *CODE* REQUIRES the Commission to “develop and conduct programs of public information and education” and to “promote an understanding and acceptance” of the *Code*. In fulfilling its statutory mandate, the Commission has initiated a number of public education campaigns and information-sharing sessions. Some of these efforts have also been in response to rising numbers of requests from the public or from community groups and business organizations. Public education activities with significant implications for human rights practices, or that reach a wide audience, or that have the potential to strengthen partnerships with key community organizations, are given priority. Educational activities are conducted by the Public Policy and Public Education Branch, as well as by regional managers, senior management and by Commissioners.

Where Commission representatives are unable to attend an event, written materials are often provided at no charge to the requesting organization or, where appropriate, referrals are made to other specialized groups, such as community advocacy organizations or other government departments.

Public education activities conducted by the Commission this year included:

- reviewing and endorsing an educational kit about gay and lesbian issues in an eastern Ontario community;
- providing advice on anti-harassment policies being developed by a variety of employers, such as the Municipality of Clarington, the University of Western Ontario and the Sheraton Centre Hotel (Toronto);
- a seminar hosted by the Canada Employment Centre in Chatham for some 75 employers with 50 or more employees;
- assisting in the coordination of activities to mark World AIDS Day, held this year at Queen’s Park. The Commission also had its own information display at the event.

The Commission’s assistance was also sought by the Gaming Control Commission, the Brantford Police Services Board and the Ontario Federation of School Athletics Association on a variety of issues, including disability issues, gender equity and drug testing policies. Finally, the Commission also became part of a working group that is developing anti-discrimination and anti-harassment policies and guidelines for hospitals.



## CANADIAN ASSOCIATION OF STATUTORY HUMAN RIGHTS AGENCIES

In mid-June of 1994, the Chief Commissioner attended the annual conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA) in Fredericton, New Brunswick. An information package that was provided by the Chief Commissioner included policy guidelines developed by the Commission, as well as copies of key decisions of boards of inquiry.

## TEACHING HUMAN RIGHTS IN ONTARIO

In March, 1995 the Commission published a new educational tool entitled *Teaching Human Rights in Ontario*. The package contains materials and handouts that are designed to introduce students to the protection of human rights under the *Code*, and the role of the Commission. The materials also help facilitate discussion about the rights and responsibilities that flow from the *Code*. *Teaching Human Rights in Ontario* is primarily intended for secondary school teachers of law courses and cooperative education programs. However, the resource package can also be used in other courses at the high school level, with little or no modification.

In the Preface to the package, Chief Commissioner Rosemary Brown stated:

*Laws alone ... cannot guarantee the development of harmonious relations among groups of people, and a climate of understanding and mutual respect will not grow on its own initiative. Making that goal a reality calls for constant and careful nurturing and encouragement through a combination of strong legislation, active community programs and, above all, education.*

The resource package is scheduled to be officially launched shortly, and the materials are being distributed to all public and private secondary schools in the province, in both English and French.

## INTERNATIONAL HUMAN RIGHTS DAY

The Commission recognizes that creating a climate of understanding and respect requires the support and involvement of partners in the community. As such, it encouraged activities throughout the province to mark International Human Rights Day on December 10th. Commissioners delivered keynote addresses at 23 special Court of Canadian Citizenship ceremonies, and municipalities across Ontario were urged to proclaim International Human Rights Day.

# V KEY HUMAN RIGHTS CASES

THE *HUMAN RIGHTS CODE* empowers the Commission to appoint a board of inquiry where the evidence warrants and where the procedure is appropriate. As a result of a legislative amendment this year, the Commission is no longer required to seek the order of the Minister to appoint a board of inquiry.<sup>6</sup>

Boards of inquiry establish key precedents and directions in human rights litigation. A board of inquiry is an independent decision-making body before which the Commission appears as a party representing the public interest. Unlike the Commission, a board of inquiry has the authority under the *Code* to make findings of fact, and to order any remedies which it deems appropriate.

## CASES

### *EDWIN ROBERTS V. ONTARIO (MINISTRY OF HEALTH)* *(ONTARIO COURT OF APPEAL, AUGUST 16, 1994)*

Section 14(1) of the *Code* allows organizations to develop “special programs”. Special programs allow Ontario employers or other organizations to institute measures that relieve hardship or economic disadvantage, or that assist disadvantaged persons or groups to promote equality of opportunity. When someone claims to have been discriminated against by a special program in violation of the *Code*, the program may be reviewed by a board of inquiry which will then determine whether the program actually denies equality of opportunity instead of promoting it. This year, an important decision of the Court of Appeal established that a special program which denies equality of opportunity is *not* protected by the *Code*.

The complainant was considered to be legally blind. In August, 1986 he applied to the Assistive Devices Program of the Ministry of Health to obtain financial assistance to buy a device which would enable him to read. The device cost approximately \$3,000.

When he applied, he was 71 years of age. However, financial assistance for such devices was provided only to persons 18 years of age and under. As a consequence of this age restriction, he was denied financial assistance.

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<sup>6</sup> S.O. 1994 c. 27. Other amendments introduced in this Bill deal with the appointment of members to the board of inquiry. In addition, amendments to s. 33 of the *Code* provide that the Commission has the discretion to not investigate complaints. This latter provision is not in force.



The complainant filed a complaint with the Commission alleging that his right to freedom from discrimination on the basis of age in the provision of services was infringed. In 1989, a board of inquiry dismissed the complaint on the ground that the Assistive Devices Program was a “special program” protected by the *Code* and was therefore permitted to differentiate on the basis of age. The Commission’s appeal to the Divisional Court was dismissed for the same reason. The Commission then appealed the decision to the Court of Appeal.

The Court of Appeal allowed the appeal and held that the complainant should not have been arbitrarily refused assistance on the basis of his age. The fact that the Assistive Devices Program qualified as a special program under s. 14(1) of the *Code* did not mean that unreasonable or arbitrary discrimination was permitted under the program. The Court of Appeal further held that there must be a rational connection between the discrimination that is permitted by s. 14(1) and the purpose of the special program itself. In this case, no sustainable argument was made to justify why the Assistive Devices Program discriminated arbitrarily on the basis of age. In the absence of a rational connection between the age discrimination and the purpose of the Assistive Devices Program, the program was required to remove the discriminatory age restriction.

*OLIVER V. THE CORPORATION OF THE CITY OF  
HAMILTON AND MAYOR ROBERT MORROW  
(BOARD OF INQUIRY, MARCH 6, 1995)*

Municipal proclamations represent an important way for cities and towns of the province to express support for their citizens. Community groups often organize events to celebrate days of cultural significance and they seek the recognition of their own municipalities in doing so.

In 1991, Hamilton’s gay and lesbian community decided to organize a celebration. The celebration, dubbed Festival ’91, was scheduled to take place in June, 1991 to coincide with June 25, the traditional day of celebration for gay and lesbian pride. Mr. Joe Oliver, a member of the Gay and Lesbian Alliance of Hamilton (GALA) and the Coordinator of Festival ’91, asked the Mayor of Hamilton to issue a proclamation in celebration of Gay and Lesbian Pride Week during the period June 13-16, 1991. This request was refused, despite the fact that proclamations had been issued for numerous organizations in the past. Mr. Oliver filed a complaint with the Commission.

The board of inquiry upheld the request for a proclamation, deciding that the issuance of a Mayoral proclamation is a “service” within the meaning of the *Code*. The board did not agree with the Mayor’s position that what GALA was in effect seeking was a declaration of

political support. On this point, the board held that a proclamation is a privilege of office which is not beyond the reach of the *Code*. In this important ruling, the board decided that the refusal to issue a proclamation to this group amounted to discrimination contrary to s. 1 of the *Code*.

The board also found that the treatment of the complainant and GALA fits within the Supreme Court of Canada's definition of "discrimination" in *Andrews v. Law Society*. The board specifically stated that the inclusion of sexual orientation in provincial human rights codes demonstrates a political will to create a community in which one's sexual orientation is no longer considered a basis for exclusion.

The Mayor was ordered to pay \$5,000.00 to the complainant and was further ordered to proclaim Lesbian and Gay Pride Week in the City of Hamilton in June 1995, if requested to do so.

*TANYS QUESNEL v. LONDON EDUCATIONAL HEALTH CENTRE AND ROBERT BRENT EIDT*

*(ONTARIO BOARD OF INQUIRY, MARCH 28, 1995)*

In human rights law, the duty to accommodate must be carried out in a way that best meets the needs of the person. This should reflect respect for the person's autonomy and dignity. The limits of the duty to accommodate were put to the test this year in the case of *Tanys Quesnel v. London Educational Health Centre and Robert Brent Eidt*.

The complainant has a disability which requires her to use a wheelchair. When she attended at the London Educational Health Centre for her chiropractic appointment, she found the building was not accessible to wheelchairs. She filed a complaint, alleging that she could not access the building and that she was therefore denied equal treatment in respect of the chiropractic services offered by the respondents.

The respondents agreed that the complainant did have a handicap according to the *Code*. However, the respondents attacked the credibility of the complainant and her good faith, by alleging that the complainant should have known that the building was inaccessible and that she did not really need the chiropractic treatment in any event. The respondents also claimed that certain renovations that had been done in 1988 had complied with the applicable *Building Code* at the time.

The board found that the complainant's awareness of the inaccessibility of the premises was not a relevant factor when considering whether or not discrimination took place. The board also found that the complainant had a genuine reason to seek chiropractic treatment. Finally, compliance with building codes does not, in itself,

justify a breach of human rights legislation. The board referred to the Commission's "Guidelines for Assessing Accommodation Requirements for Persons with Disabilities" in assessing the nature of the duty to accommodate in this case.

In its decision, the board held that the respondents were liable for discriminatory treatment and were ordered to pay the complainant \$500.00 for the infringement of her rights. In addition, the respondents were requested to take immediate steps to provide wheelchair access by ramp to the first floor of the building and to use their best efforts to obtain whatever approvals may be required by municipal or other authorities.

*LUIS ESPINOZA V. COLDMATIC REFRIGERATION OF CANADA INC. ET AL. ((ONTARIO BOARD OF INQUIRY, 31 MARCH 1995)*

The effect of discriminatory behaviour or harassment can be a "poisoned environment", which results from a workplace that tolerates derogatory comments, or which allows colleagues or superiors to belittle a person's cultural background or language.

Luis Espinoza was originally from Ecuador. His mother tongue is Spanish, and Spanish-speaking workers in his workplace were frequently subjected to insulting and humiliating comments and obscenities by their co-workers. This behaviour was directed specifically at the use of Spanish, and the Spanish-speaking employees were subjected to arbitrary discipline, monitoring of their washroom breaks, and other abusive behaviour. The complainant was dismissed after he was involved in a fight provoked in part by a racial slur at his workplace.

A complaint was filed against the respondent company as well as its owner and the plant manager. The allegations were based on discrimination and harassment in the workplace on the grounds of race, colour, ancestry, place of origin and ethnic origin. The board heard expert testimony on poisoned work environments, and a large number of witnesses provided similar fact evidence from their own experiences that corroborated the complainant's allegations.

The board found that the complainant had been subjected to discrimination in the workplace on the basis of his ethnic origin and place of origin. The board found that language is one of the many identifying features of ethnic origin. The board ordered the respondents to pay special damages for lost wages in the amount of \$6,000, plus interest, as well as general damages of \$2,000. The respondents were also ordered to cease engaging in discriminatory activities based on race, colour, ancestry, ethnic origin or place of origin and to retain the services of a human rights consultant with

expertise in developing effective anti-racism procedures. The respondents were further ordered to display in a prominent place a copy of the Commission's policy on harassment as well as a copy of the *Code*. These documents had to be translated into the main language groups of the workplace and displayed in the same manner as the English versions.



## VI LINKAGES

COMMUNITY GROUPS AND non-governmental organizations are important resources for success in educating the Ontario public about human rights, and in supporting community human rights efforts. For this reason, Commission staff this year have been involved in several ventures that consolidate existing relationships and create new ones.

The Commission met with representatives of the Sikh community to discuss concerns over the Canadian Legion's policy regarding the wearing of head gear on Legion premises. In addition, the Commission participated in discussions held by the Ontario Anti-Racism Secretariat to consider non-legislative measures for dealing with hate propaganda. A working group was also set up to prepare, through the Ontario Anti-Racism Secretariat, a public information brochure to be called *Hate Groups and Renting Your Hall/Premises*. In addition, representatives of the Commission met with representatives of the Ontario Region of the League for Human Rights of B'nai Brith to discuss areas in which the League is working that involve anti-discrimination and programs to combat racism.

The Commission was also part of an advisory committee comprised of representatives from government, community groups, school trustees, teachers' unions and publishers that provided assistance to the Anti-Racism, Access and Equity Division of the Ministry of Education and Training. The group is rewriting the Ministry's publication *Race, Religion and Culture in Ontario School Materials*. This document is designed to promote the principles of equality in the development and selection of learning materials, and to apprise publishers, authors and curriculum writers of the Ministry of Education's standards for materials that will reflect the experiences of its diverse school communities. The Commission also met with representatives of the Canadian Arab Federation to discuss issues relating to human rights affecting that community in Ontario.

## INTERNATIONAL

As we move towards common understandings and standards of human rights, the relationships that the Commission forms with other human rights professionals and agencies are assuming greater importance. In the aftermath of the World Conference in Vienna in 1993, this work has significance for our own ethno-cultural relations in Canadian communities, as well as for our task in making new Canadians feel more welcome in this province.

The Ontario Human Rights Commission has shared advice with and provided assistance to human rights bodies and other organizations for many years. This is part of its tradition of supporting human rights initiatives, and especially those of public sector agencies. In addition, the Commission is a member of the Continuing Federal-Provincial-Territorial Committee of Officials responsible for Human Rights which provides expertise in respect of compliance with international human rights standards, information exchange and research on international human rights issues. Meeting with representatives of other Governments and human rights organizations provides the Commission with an important resource for assisting the Continuing Committee in its mandate. Such encounters also enrich the Commission's understanding of current human rights issues, both internationally and at home.

The Commission was pleased to host a number of such meetings this year, including one with a delegation from Thailand which was interested in information about human rights and public education. The Commission also received a representative of the Japanese government who was interested in equality issues and affirmative action programs for women in the workplace.

The Commission also provided information and research to the Faculty of Law at the University of Wollongong, Australia concerning the capacity of the Ontario *Human Rights Code* to address hate literature.



# BOARDS OF INQUIRY CASES

FINAL DECISIONS .....	64
SETTLEMENTS .....	66
DIVISIONAL COURT .....	69
COURT OF APPEAL .....	70

# BOARDS OF INQUIRY, 1994–95

## FINAL DECISIONS

AGE	<i>Anthony Wong v. Ottawa Board of Education and A. Wotherspoon</i>
ANCESTRY	<i>Aziz Chowdhury v. Welland Public Library Board et al.</i>
COLOUR	<i>Aziz Chowdhury v. Welland Public Library Board et al.</i>
CREED	<i>Ruth Eva Strauss v. LCBO et al.</i>
ETHNIC ORIGIN	<i>Aziz Chowdhury v. Welland Public Library Board et al.</i>
FAMILY STATUS	<i>O'Neill &amp; Coles v. Ministry of Transportation et al.</i> <i>Jane Ward v. Fred Godina</i>
HANDICAP	<i>Patricia Barber v. Sears Canada Inc.</i> <i>Terry Bolton v. Cancoil Thermal Corporation et al.</i> <i>Margo Patricia Burns v. South Muskoka Memorial Hospital Board et al.</i> <i>Ann M. Elkas v. The Blush Stop, Inc. et al.</i> <i>Tanys Quesnel v. London Educational Health Centre et al.</i> <i>Douglas Wellington v. Corporation of the City of Brampton Community Services Department</i>
HARASSMENT	<i>Margo Patricia Burns v. South Muskoka Memorial Hospital Board et al.</i> <i>Aziz Chowdhury v. Welland Public Library Board et al.</i> <i>Louise Moisan and Tammy Authier v. Theodore Lenssens and 837004 Ontario Ltd.</i> <i>Donna Slobodian v. Adam's Warehouse Burlington Limited et al.</i> <i>Ruth Eva Strauss v. LCBO et al.</i> <i>Anthony Wong v. Ottawa Board of Education and A. Wotherspoon</i>

## MARITAL STATUS

*John Belony v. Norman Kennedy*  
*O'Neill & Coles v. Ministry of Transportation et al.*

## PLACE OF ORIGIN

*Aziz Chowdhury v. Welland Public Library Board et al.*

## RACE

*Som Nath Basu v. Love Printing Services Ltd. et al.*  
*John Belony v. Norman Kennedy*  
*Paula Chiswell v. Valdi Foods 1987 Inc. et al.*  
*Aziz Chowdhury v. Welland Public Library Board et al.*  
*Luis Espinoza v. Coldmatic Refrigeration of Canada et al.*  
*Judith Gray v. A & W Food Service of Canada Ltd. et al.*  
*Chippeng Hom v. Elijah Elieff and Elieff Investments Ltd.*  
*Dilbagh Singh Khela v. J.I. Case Canada et al.*  
*Lorna Richards v. Lorne Waisglass*  
*Cecilia Segula v. Pat Ferrante Ball Packaging Products Inc.*  
*Anthony Wong v. Ottawa Board of Education and A. Wotherspoon*

## SEX

*Mary Grieves v. Admiral Sub et al.*  
*Kerryann Henwood v. Gerry Van Wart Sales Inc. et al.*  
*Lyne Leclair v. Dr. Armel Roberge*  
*Donna Slobodian v. Adam's Warehouse Burlington Limited et al.*  
*Beryl Wall v. Gary Embro and the University of Waterloo*  
*Linda Williams and Donna MacDonald v. Art Park Ltd. and Bentall Fine Art Ltd. et al.*

## SEXUAL HARASSMENT

*Kerryann Henwood v. Gerry Van Wart Sales Inc. et al.*

## SEXUAL ORIENTATION

*Christine Crozier v. Murray Asselstine (Wilson)*  
*Joe Oliver v. The Corporation of the City of Hamilton et al.*  
*O'Neill & Coles v. Ministry of Transportation et al.*

## SEXUAL SOLICITATION

*Kerryann Henwood v. Gerry Van Wart Sales Inc. et al.*  
*Louise Moisan and Tammy Authier v. Theodore Lenssens and 837004 Ontario Ltd.*  
*Donna Slobodian v. Adam's Warehouse Burlington Limited et al.*

# BOARDS OF INQUIRY, 1994–95

## SETTLEMENTS

AGE	<i>Carol Geneau v. Quinte-St. Lawrence Local Apprenticeship Committee for the Electrical Trade</i> <i>Frances Hysen v. The University of Toronto, Library Department</i> <i>D. J. Morgan v. The Workers' Compensation Board</i> <i>David Oksanen v. Kamsol Enterprises Ltd. and Sylvia Kamen</i> <i>Laurie Veenendaal v. 564199 Ontario Limited c.o.b. as Gordon F. Thompkins Funeral Homes</i>
ANCESTRY	<i>Alvin Gibbs v. The Ministry of Community and Social Services et al.</i>
COLOUR	<i>Vida Agyeman and Joan Siung v. Geiger International Ltd.</i> <i>Alvin Gibbs v. The Ministry of Community and Social Services et al.</i> <i>Rupert Murray v. Allied Heat Treat Limited et al.</i>
ETHNIC ORIGIN	<i>Alvin Gibbs v. The Ministry of Community and Social Services et al.</i>
FAMILY STATUS	<i>Julie Buckingham v. H&amp;R Property Management Ltd. et al.</i> <i>Barbara Cooper v. Bernard Cooper and Associates Limited et al.</i> <i>Therese Hatchard v. Levinson-Viner Ltd. et al.</i> <i>Rose Miller v. Fred Godina</i> <i>Michael Radulovic and Terry Kneller v. Mura Properties Management et al.</i> <i>Angiolina Villagra and Mary Williams v. Frank Leithinger &amp; Josephine Leithinger</i>

## HANDICAP

*Roland Andres v. Fort Frances-Rainy River Board of Education et al.*  
*Ted Bec v. Windsor Raceway Inc.*  
*Diane Burton v. York Central Hospital et al.*  
*Wayne Card v. John A. Robertson Mechanical Contractors et al.*  
*Sylvia Colalillo v. Drummond McCall Inc. et al*  
*Marcia Doucette v. McDonnell Douglas Canada Ltd. et al.*  
*James Maltychuk v. The Canadian Corps Association et al.*  
*Rose Miller v. Fred Godina*  
*Marty Nobes v. Crowe Foundry Limited et al.*  
*David Oksanen v. Kamsol Enterprises Ltd. and Sylvia Kamen*  
*Helen Philips v. 648302 Ontario Ltd. c.o.b. Stellen Investments Ltd.*  
*Dave Pyymaki v. Knechtel Wholesale Grocers*  
*Julie Ramsay v. S.W.M. Investments Inc.*  
*Lina Roy v. Notre Dame Hospital et al.*  
*Isabelle Sinnett v. Pigeon Roy Insurance Brokers Ltd. et al.*  
*Leslye Svoboda v. The Riverdale Hospital et al.*  
*John Thomas v. Butcher Engineering et al.*  
*Rita Tomlinson v. Falconbridge Ltd.*  
*Elizabeth Toth v. Puffin Prints et al.*  
*Shawn Wright v. Dominion Soil Investigation Ltd. et al.*

## HARASSMENT

*Eleanor Brown v. DMO Industries, Al Steinfield & Bob Ouellette*  
*Jennifer Ellis v. Myriad Holding Corporation Limited et al.*  
*Rupert Murray v. Allied Heat Treat Limited et al.*  
*Leslye Svoboda v. The Riverdale Hospital et al.*  
*Tim Turner v. Weston Bakeries Ltd.*

## MARITAL STATUS

*Shirley Heumann v. Teachers' Superannuation Commission*

## PLACE OF ORIGIN

*Alvin Gibbs v. The Ministry of Community and Social Services et al.*

## RACE

*Eleanor Brown v. DMO Industries, Al Steinfeld & Bob Ouellette*  
*Kevin Dignard v. The York Region Board of Education et al.*  
*Christian, Dillon, Edwards et al. v. Northwestern General Hospital*  
*Alvin Gibbs v. The Ministry of Community and Social Services et al.*  
*Ivylyn Goffe v. Delmonte Company et al.*  
*Durgas Dass Goyal v. Tilton Industries Inc. et al.*  
*Andrea and Michael Lue v. Nicola and Richetta Fratangelo*  
*Rupert Murray v. Allied Heat Treat Limited et al.*  
*Lister Staines v. Treck Hall Limited et al.*

## RECEIPT OF PUBLIC ASSISTANCE

*Therese Hatchard v. Levinson-Viner Ltd. et al.*  
*David Oksanen v. Kamsol Enterprises Ltd. and Sylvia Kamen*

## REPRISAL

*Bibi Eddo v. Capital-EMI Music Industries Inc. et al.*  
*Jennifer Ellis v. Myriad Holding Corporation Limited et al.*  
*Rupert Murray v. Allied Heat Treat Limited et al.*



# BOARDS OF INQUIRY, 1994–95

## DIVISIONAL COURT

AGE	<i>Danya Daccash and OHRC v. Paul Richards and Studio Ten:Ten</i>
HANDICAP	<i>Ontario Human Rights Commission and Gary Thornton v. North American Life Assurance Company, First North American Insurance Company and Clarendon Foundation</i>
HARASSMENT	<i>The Board of Governors of Brock University v. Ontario Human Rights Commission et al. (Mary Warner)</i> <i>Danya Daccash and OHRC v. Paul Richards and Studio Ten:Ten</i>
RACE	<i>Ford Motor Company of Canada Ltd., et al. v. Ontario Human Rights Commission, Constance Backhouse, Mike Naraine</i>
REPRISAL	<i>The Board of Governors of Brock University v. Ontario Human Rights Commission et al. (Mary Warner)</i> <i>Danya Daccash and OHRC v. Paul Richards and Studio Ten:Ten</i>
SEX	<i>The Board of Governors of Brock University v. Ontario Human Rights Commission et al. (Mary Warner)</i> <i>Laura J. Cunningham v. Royal Canadian Legion Branch 594, Bill De Hart and Larry Fairbrother</i> <i>Great Atlantic &amp; Pacific Co. of Canada Limited v. Her Majesty the Queen in Right of Ontario (Diane Gale)</i> <i>Tracy Jenner v. Pointe West Development Corp., and Dennis Laverty</i> <i>Margaret Tomen v. Federation of Women Teachers et al.</i>
SEXUAL HARASSMENT	<i>Anita Hall v. A-1 Collision and Auto Service and Mohammed Latif</i>

## SEXUAL ORIENTATION

*Ontario Blue Cross v. Ontario Human Rights Commission and Elizabeth Clinton*

*Ontario Human Rights Commission and Gary Thornton v. North American Life Assurance Company, First North American Insurance Company and Clarendon Foundation*

## SEXUAL SOLICITATION

*The Board of Governors of Brock University v. Ontario Human Rights Commission et al. (Mary Warner)*

*Danya Daccash and OHRC v. Paul Richards and Studio Ten:Ten*

*Anita Hall v. A-1 Collision and Auto Service and Mohammed Latif*

# BOARDS OF INQUIRY, 1994–95 COURT OF APPEAL

## AGE

*Ontario Human Rights Commission (Edwin Roberts) v. Ministry of Health*

## MARTIAL STATUS

*Kelly Parks v. Christian Horizons and Lorraine Duran, and Holly MacIntyre v. Christian Horizons and Isobel Hudson*

# FINANCIAL STATEMENT

## 1994–95

**T**HE COMMISSION'S APPROVED year-end allocation for the 1994–95 fiscal year was \$12,572,600. The Ontario Human Rights Commission operates 16 offices throughout the province, including a head office in Toronto. In addition to investigating and conciliating formal human rights complaints, the Commission's staff addressed 85,950 inquiries and made 31,986 referrals.

# COMMISSIONERS

SECTION 27 of the *Human Rights Code* provides that the Commission be composed of no fewer than seven persons appointed by the Lieutenant Governor in Council.

The Chair of the Commission (Chief Commissioner) is a full-time position. Other members of the Commission serve on a part-time basis.

The Chief Commissioner chairs meetings of the Commission and the Vice-Chair presides over meetings of the Commission in the absence of the Chief Commissioner.

The Commissioners are selected to represent the diversity of Ontario, ensuring both complainant and respondent perspectives and preserving a balanced representation of groups protected under the *Human Rights Code*. In their decision-making, Commissioners are required to be impartial and to implement Ontario's public policy on human rights.

The following are biographical profiles of the Chief Commissioner and Commissioners for this year:

## ROSEMARY BROWN (CHIEF COMMISSIONER)

Ms. Brown was appointed Chief Commissioner of the Ontario Human Rights Commission on June 4, 1993. She was the first Black woman to be elected to political office in Canada, serving 14 years as a member of the British Columbia Legislature from 1972 until her retirement in 1986. A champion of human rights, she has earned respect for her work in Canada and around the world. Ms. Brown is a patron of the National Council of Black Educators of Canada and the Vice-chairperson of the South African Educational Trust Fund. She received the National Black Coalition Award in 1972 and the Canadian Black Achievement award in 1994. Ms. Brown, who immigrated from Jamaica to Canada in 1950, is a member of the Privy Council and a member of Canada's Security Intelligence Review Committee. Her autobiography, *Being Brown*, was published by Random House in 1989.

## LOUIS LENKINSKI (VICE-CHAIR)

Mr. Lenkinski was appointed Commissioner in July, 1987 and Vice-Chair of the Commission in 1994. A member of the Upholsterers' International Union for many years, Mr. Lenkinski served as its business representative from 1958 to 1969. Subsequently, he held the positions of Project Director and Executive Secretary to the Labour

Council of Metropolitan Toronto. In 1975, he became Executive Assistant to the Ontario Federation of Labour and in 1984, he was appointed to be a part-time member of the Ontario Labour Relations Board.

#### ANNE M. COX

Ms. Cox was appointed to the Commission in January, 1995. She is the Executive Director of the Thunder Bay Indian Friendship Centre. She has worked for Correctional Services Canada, Kinna-Aweya Legal Clinic and Ontario Native Women's Association. She is currently a member of the Ad Hoc Native Advisory Committee, Employment Equity Consultation Committee, Thunder Bay Police, the Aboriginal Management Council, and the Board of Governors for Confederation College.

#### IDA DEJESUS

Ms. DeJesus was appointed to the Commission in August, 1993. She is a lawyer currently working with the Labourer's International Union, Local 183 (the Prepaid Legal Benefits Fund). In addition to her professional background, Ms. DeJesus has been a member of the Board of Abrigo (Centre for Victims of Family Violence), a member of the Committee of the 40th Anniversary of the Portuguese Community, Chair of the Luso-Canadian Cultural Council of Hamilton and Vice-President of the Portuguese Canadian National Congress of Ontario.

#### ALBERTO DI GIOVANNI

Mr. Di Giovanni was appointed to the Commission in September, 1994. He is Director of Programs for the Canadian Centre for Italian Culture and Education, a post he has held since 1976. An expert in language education, he has written extensively on this subject, and from 1984 to 1988 was director of the Ontario Heritage Languages Association. He was a founding member of the Toronto Board of Education Race Relations Committee.

#### AIDA F. GRAFF

Dr. Graff was appointed to the Commission in September, 1994. She is a research associate at the University of Toronto's Victoria College, where she served as Dean of Women from 1976 to 1990. She is currently President of the board of the Arab Community Centre of Toronto, a settlement and social service agency. She has served on the Ontario Anti-Racism Advisory Working Group, and has been a member of the Ontario Cabinet Roundtable on Anti-Racism.



## ROBERT MILBOURNE

Mr. Milbourne was appointed to the Commission in July, 1992. A graduate of Metallurgical Engineering, Mr. Milbourne joined Stelco in 1963 and has worked in various positions leading up to his current position as President, Chief Operating Officer and member of the Board of Directors. He is a member of a number of associations including the Canadian Institute of Mining and Metallurgy and the Occupational Health Clinic for Ontario Workers.

## RICHARD MILES

Before his appointment to the Commission in July, 1994. Mr. Miles held senior administrative positions with the Ministry of Community and Social Services, the Federal Secretariat of Disabled Persons Office, and most recently, Handicapped Action Group Incorporated in Thunder Bay. Mr. Miles was appointed by the Minister of Citizenship to the recently concluded Task Force conducting a procedural review of the Ontario Human Rights Commission.

## Alok MUKHERJEE

Mr. Mukherjee was appointed to the Commission in March, 1992 and became its Vice-Chair later that fall. Mr. Mukherjee is a consultant, trainer, and writer in anti-racist and multicultural education, race relations and human rights. He has served as the Race Relations Advisor to the Toronto Board of Education and has written on a variety of race relations issues. He is a member of the Doris Marshall Institute for Education and Action and has co-written a book on anti-racist education. In November, 1992 he assumed the role of Acting Chief Commissioner and resumed his position as Vice-Chair in June, 1993. Mr. Mukherjee's term expired in May, 1994.

## GAETANE PHARAND

Ms. Pharand was appointed to the Commission in June, 1991. She was trained in business management and was recently employed as Events Coordinator with L'Association des professeurs des Collèges at Laurentian University and as communications officer at Radio Canada. She has been active in community service since 1988 and has served as vice-president of St. Eugene's Parish Council. Ms. Pharand's term expired in March, 1995.

## BALJINDER SINGH SIDHU

Mr. Sidhu was appointed to the Commission in October, 1994. A senior engineer with Xerox of Canada Ltd., Mr. Sidhu is President of the National Alliance of Canadian Sikhs, an umbrella organization of social, educational, sports and religious Sikh groups and individuals from across Canada. He is also a member of the South Asian Steering Committee, which communicates concerns of the Sikh community to the Ontario government.



## ELIZABETH HUNG SORFLEET

Ms. Hung Sorfleet was appointed to the Commission in October, 1994. She is the Director of the Cross-Cultural & Race Relations Institute, a consulting firm offering cross-cultural and anti-racism training and other organizational development services. In 1992, Ms. Hung Sorfleet organized Canada's first race relations conference for the police, community and media. She is currently on the Social Planning Council of Ottawa-Carleton.

## TOM WARNER

Mr. Warner was appointed to the Commission in February, 1993. He is a senior executive at the Institute of Chartered Accountants of Ontario where his responsibilities include policy development and government relations on behalf of the profession. Mr. Warner has been a founder and member of such groups as the Coalition for Lesbian and Gay Rights in Ontario, the Right to Privacy Committee and the City of Toronto's Lesbian and Gay Issues Committee.

## ST. CLAIR WHARTON

Mr. Wharton was appointed to the Commission in June, 1991. Before that, he was the President of Local 2858, United Steelworkers of America from 1985 to 1991, and served as vice-president from 1983-1985. He has a wide range of experiences on human rights issues, having served on a number of human rights committees within the Union, including the OFL Human Rights Committee and as a member of the Parkdale Action Committee against Racism. Mr. Wharton teaches human rights courses and conducts workshops for the union.

# TABLES

1. COMPLAINTS by REGION OF REGISTRATION & GROUND .....	77
2. COMPLAINTS RECEIVED by PROVISION AND GROUND .....	78
3. SETTLEMENTS EFFECTED by GROUND .....	79
4. COMPLAINTS Closed by PROVISION, DISPOSITION & GROUND .....	80
5. EMPLOYMENT COMPLAINTS Closed by DISPOSITION & GROUND .....	81
6. EMPLOYMENT COMPLAINTS Closed by TYPE OF WORK .....	82
7. COMPLAINTS Closed by TYPE OF INDUSTRY .....	83

TABLE 1 :

## COMPLAINTS BY REGION OF REGISTRATION &amp; GROUND, 1994-95

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	Reprisal	No Grounds	Breach of Settlement	TOTAL	PERCENTAGE(%)
EASTERN	45	15	17	55	48	15	21	7	7	112	8	-	1	8	1	360	15
HAMILTON/NIAGARA	21	4	4	18	27	6	22	5	8	62	2	-	2	-	1	182	7
NORTHERN	31	4	2	30	39	7	14	12	10	75	3	1	9	-	-	237	10
SOUTHWESTERN	56	12	3	42	56	5	58	4	6	130	8	-	-	9	1	390	16
TORONTO CENTRAL	106	28	16	50	50	20	38	10	15	97	4	-	7	1	-	442	18
TORONTO EAST	157	25	19	68	45	8	44	9	7	95	10	1	9	1	-	498	20
TORONTO WEST	134	5	4	33	34	2	21	6	7	83	6	-	7	-	1	343	14
TOTAL	550	93	65	296	299	63	218	53	60	654	41	2	35	19	4	2,452	100
PERCENTAGE(%)	22	4	3	12	12	3	9	2	2	27	2	0	1	1	0	100	

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

# Table 2:

## COMPLAINTS RECEIVED by PROVISION & GROUND, 1994-95

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	Reprisal	No Grounds	Breach of Settlement	TOTAL	PERCENTAGE(%)
SERVICES	130	21	20	39	6	20	18	16	5	221	-	-	-	7	-	503	21
HOUSING	48	14	1	5	7	3	14	11	31	26	41	-	-	2	-	203	8
CONTRACTS	4	1	-	-	-	-	-	-	-	-	-	-	-	1	-	6	0
EMPLOYMENT	362	56	43	251	286	40	186	26	24	403	-	2	-	9	-	1,688	69
VOCATIONAL ASSOCIATION	6	1	1	1	-	-	-	-	-	4	-	-	-	-	-	13	1
REPRISAL	-	-	-	-	-	-	-	-	-	-	-	-	35	-	-	35	1
BREACH OF SETTLEMENT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4	0
TOTAL	550	93	65	296	299	63	218	53	60	654	41	2	35	19	4	2,452	100
PERCENTAGE(%)	22	4	3	12	12	3	9	2	2	27	2	0	1	1	0	100	

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

# Table 3:

## SETTLEMENTS EFFECTED by GROUND, 1994–95

	Specific & General Damages	Complainants Receiving Damages	Offer of Job or Facility	Offer of, or Consideration for, Next Job or Facility	Affirmative Action Implemented	Seminars with Respondent Staff	Review of Policies or Documents	Issuance or Correction of References	Letter of Apology to Complainant	Written Declaration of Management Policies
<b>RACE/COLOUR</b>	\$284,714	64	16	6	2	6	36	13	24	89
<b>ETHNIC ORIGIN<sup>1</sup></b>	\$199,640	10	2	1	–	4	10	1	10	9
<b>CREED</b>	\$45,100	3	2	–	–	–	4	1	1	6
<b>SEX &amp; PREGNANCY</b>	\$218,716	41	12	5	1	3	16	8	10	34
<b>SEXUAL HARRASSMENT</b>	\$232,845	68	4	–	–	8	28	15	33	65
<b>SEXUAL ORIENTATION</b>	\$10,970	5	2	–	–	–	9	2	1	7
<b>AGE</b>	\$232,168	13	2	4	–	–	16	7	5	20
<b>MARITAL STATUS</b>	\$3,370	5	6	1	–	1	6	1	6	4
<b>FAMILY STATUS</b>	\$13,000	5	6	1	–	–	7	1	6	12
<b>HANDICAP</b>	\$485,032	97	59	8	–	5	45	20	26	88
<b>RECEIPT OF PUBLIC ASSISTANCE<sup>2</sup></b>	\$3,254	4	5	2	–	2	11	2	5	8
<b>OTHER</b>	\$91,943	8	2	4	3	–	5	1	2	8
<b>TOTAL</b>	<b>\$1,820,750</b>	<b>323</b>	<b>118</b>	<b>32</b>	<b>6</b>	<b>29</b>	<b>193</b>	<b>72</b>	<b>129</b>	<b>350</b>

1. Citizenship, ancestry, place of origin

2. Only in accommodation

TABLE 4:

## COMPLAINTS CLOSED BY PROVISION, DISPOSITION &amp; GROUND, 1994-95

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	RBOSNG <sup>4</sup>	TOTAL	PERCENTAGE(%)
<b>EMPLOYMENT</b>															
Board Appointed	4	1	1	8	7	4	1	1	1	4	-	-	-	32	2
Settled	87	18	8	76	107	8	43	9	11	147	-	1	1	516	34
Dismissed or not pursued	103	14	7	52	29	4	42	3	2	102	-	-	6	364	24
Withdrawn	131	19	10	120	95	11	50	13	6	137	-	-	-	592	39
<b>TOTAL</b>	<b>325</b>	<b>52</b>	<b>26</b>	<b>256</b>	<b>238</b>	<b>27</b>	<b>136</b>	<b>26</b>	<b>20</b>	<b>390</b>	<b>-</b>	<b>1</b>	<b>7</b>	<b>1,504</b>	<b>100</b>
<b>ACCOMMODATION</b>															
Board Appointed	-	-	-	-	-	-	-	-	4	-	2	-	-	6	3
Settled	14	1	1	-	5	-	6	7	11	13	23	-	-	81	47
Dismissed or not pursued	4	3	-	2	1	-	6	-	1	-	2	-	-	19	11
Withdrawn	13	1	-	1	1	1	4	3	14	7	20	-	1	66	38
<b>TOTAL</b>	<b>31</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>1</b>	<b>16</b>	<b>10</b>	<b>30</b>	<b>20</b>	<b>47</b>	<b>-</b>	<b>1</b>	<b>172</b>	<b>100</b>
<b>SERVICES</b>															
Board Appointed	1	-	-	1	-	1	-	-	-	1	-	-	-	4	1
Settled	34	6	6	10	3	11	7	1	3	64	-	-	-	145	39
Dismissed or not pursued	26	10	14	12	-	3	7	12	3	14	-	-	1	102	27
Withdrawn	26	6	3	7	-	3	1	4	2	70	-	-	-	122	33
<b>TOTAL</b>	<b>87</b>	<b>22</b>	<b>23</b>	<b>30</b>	<b>3</b>	<b>18</b>	<b>15</b>	<b>17</b>	<b>8</b>	<b>149</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>373</b>	<b>100</b>
<b>CONTRACTS, VOCATIONAL ASSOCIATIONS, REPRISALS, BREACH OF SETTLEMENTS</b>															
Board Appointed	-	-	-	-	-	-	-	-	-	-	-	-	4	4	7
Settled	3	-	-	-	-	-	-	1	-	-	-	-	11	15	27
Dismissed or not pursued	5	-	-	-	-	-	-	1	-	-	-	-	13	19	34
Withdrawn	1	1	-	2	1	-	1	-	-	2	-	-	10	18	32
<b>TOTAL</b>	<b>9</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>38</b>	<b>56</b>	<b>100</b>

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

4. RBOSNG—Reprisal, Breach of Settlement, No Grounds



# Table 5:

## EMPLOYMENT COMPLAINTS CLOSED BY DISPOSITION & GROUND, 1994-95

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Record of Offences <sup>2</sup>	RBOSNG <sup>3</sup>	TOTAL	PERCENTAGE(%)
<b>RECRUITMENT &amp; HIRING</b>													
Board Appointed	1	-	-	-	-	1	-	1	1	-	-	4	2
Settled	12	4	-	10	-	18	4	6	15	1	1	71	36
Dismissed or not pursued	20	4	1	3	-	14	1	-	8	-	1	52	27
Withdrawn	23	6	-	17	-	11	-	-	12	-	-	69	35
<b>TOTAL</b>	<b>56</b>	<b>14</b>	<b>1</b>	<b>30</b>	<b>0</b>	<b>44</b>	<b>5</b>	<b>7</b>	<b>36</b>	<b>1</b>	<b>2</b>	<b>196</b>	<b>100</b>
<b>PERCENTAGE(%)</b>	<b>29</b>	<b>7</b>	<b>1</b>	<b>15</b>	<b>0</b>	<b>22</b>	<b>3</b>	<b>4</b>	<b>18</b>	<b>1</b>	<b>1</b>	<b>100</b>	
<b>TERMINATION</b>													
Board Appointed	2	-	1	6	-	-	-	-	3	-	-	12	2
Settled	45	7	4	42	3	14	5	3	97	-	-	220	31
Dismissed or not pursued	42	8	2	28	3	24	-	2	60	-	3	172	24
Withdrawn	75	10	6	70	5	31	11	3	89	-	-	300	43
<b>TOTAL</b>	<b>164</b>	<b>25</b>	<b>13</b>	<b>146</b>	<b>11</b>	<b>69</b>	<b>16</b>	<b>8</b>	<b>249</b>	<b>0</b>	<b>3</b>	<b>704</b>	<b>100</b>
<b>PERCENTAGE(%)</b>	<b>23</b>	<b>4</b>	<b>2</b>	<b>21</b>	<b>2</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>35</b>	<b>0</b>	<b>0</b>	<b>100</b>	
<b>DURING EMPLOYMENT</b>													
Board Appointed	1	1	-	2	4	-	1	-	-	-	-	9	2
Settled	30	7	4	24	5	11	-	2	35	-	-	118	32
Dismissed or not pursued	41	2	4	21	1	4	2	-	34	-	2	111	30
Withdrawn	33	3	4	33	6	8	2	3	36	-	-	128	35
<b>TOTAL</b>	<b>105</b>	<b>13</b>	<b>12</b>	<b>80</b>	<b>16</b>	<b>23</b>	<b>5</b>	<b>5</b>	<b>105</b>	<b>0</b>	<b>2</b>	<b>366</b>	<b>100</b>
<b>PERCENTAGE(%)</b>	<b>29</b>	<b>4</b>	<b>3</b>	<b>22</b>	<b>4</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>29</b>	<b>0</b>	<b>1</b>	<b>100</b>	
<b>TOTAL<sup>4</sup></b>	<b>325</b>	<b>52</b>	<b>26</b>	<b>256</b>	<b>27</b>	<b>136</b>	<b>26</b>	<b>20</b>	<b>390</b>	<b>1</b>	<b>7</b>	<b>1,266</b>	

1. Citizenship, ancestry, place of origin

2. Only in employment

3. RBOSNG—Reprisal, Breach of Settlement, No Grounds

4. The total excludes 238 sexual harassment complaints

TABLE 6:

## EMPLOYMENT COMPLAINTS CLOSED by Type of Work, 1994–95

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Record of Offences <sup>2</sup>	RBOSNG <sup>3</sup>	TOTAL	PERCENTAGE(%)
Professional, Managerial, Technical	111	21	6	84	41	9	41	8	7	102	–	1	431	29
Sales	21	1	3	20	32	4	15	2	3	29	–	1	131	9
Clerical	45	5	1	59	74	1	14	6	5	54	–	–	264	18
Craft & Forepersons	22	3	2	8	8	1	14	–	–	17	–	–	75	5
Operatives	14	3	3	6	3	2	11	1	–	30	–	–	73	5
Services	28	2	3	31	48	4	12	2	2	23	–	1	156	10
Labour, General	78	17	7	43	21	6	19	7	3	118	–	3	322	21
Unspecified	6	–	1	5	11	–	10	–	–	17	1	1	52	3
<b>TOTAL</b>	<b>325</b>	<b>52</b>	<b>26</b>	<b>256</b>	<b>238</b>	<b>27</b>	<b>136</b>	<b>26</b>	<b>20</b>	<b>390</b>	<b>1</b>	<b>7</b>	<b>1,504</b>	<b>100</b>

1. Citizenship, ancestry, place of origin

2. Record of employment

3. RBOSNG—Reprisal, Breach of Settlement, No Grounds

# Table 7:

## Complaints Closed by Type of Industry, 1994–95

	Race or Colour	Ethnic Origin <sup>1</sup>	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance <sup>2</sup>	Record of Offences <sup>3</sup>	RBOSNG <sup>4</sup>	TOTAL	PERCENTAGE(%)
<b>NATURAL RESOURCES</b>	2	4	–	5	1	–	2	–	–	8	–	–	–	22	1
<b>MANUFACTURING</b>															
Metals,Parts,Machinery	9	2	–	9	4	–	3	–	1	17	–	–	–	45	
Food,Tobacco	4	1	1	5	3	–	8	1	–	9	–	–	–	32	
Wood,Furniture,Paper	10	1	–	5	1	–	–	–	1	12	–	–	–	30	
Automotive,Aircraft	10	4	–	2	4	3	3	–	1	15	–	–	1	43	
Electrical	3	1	1	2	2	1	10	–	–	10	–	–	1	31	
Others	24	5	4	20	19	5	13	–	–	56	–	–	–	146	
<b>Subtotal</b>	<b>60</b>	<b>14</b>	<b>6</b>	<b>43</b>	<b>33</b>	<b>9</b>	<b>37</b>	<b>1</b>	<b>3</b>	<b>119</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>327</b>	<b>16</b>
<b>CONSTRUCTION</b>	2	–	–	2	2	–	2	–	1	6	–	–	–	15	1
<b>TRANSPORTATION, UTILITIES &amp; COMMUNICATION</b>	32	2	1	7	7	1	6	3	–	20	–	–	–	79	4
<b>TRADE &amp; RETAIL</b>	42	4	5	40	37	4	16	4	7	59	2	–	6	226	11
<b>FINANCE, INSURANCE &amp; REAL ESTATE</b>	43	7	2	23	20	7	20	13	25	56	38	–	5	259	12
<b>COMMUNITY, BUSINESS &amp; PERSONAL SERVICES</b>															
Schools,Colleges,Universities	34	10	7	14	5	2	8	–	–	64	–	1	3	148	
Hospitals,Physicians	34	10	6	29	15	2	11	2	1	72	–	–	10	192	
Employment agencies	3	1	–	–	1	–	1	1	–	1	–	–	–	8	
Hotels,Restaurants	28	6	2	28	43	4	13	4	3	20	–	–	4	155	
Others	89	8	11	64	61	9	28	12	10	67	–	–	6	365	
<b>Subtotal</b>	<b>188</b>	<b>35</b>	<b>26</b>	<b>135</b>	<b>125</b>	<b>17</b>	<b>61</b>	<b>19</b>	<b>14</b>	<b>224</b>	<b>0</b>	<b>1</b>	<b>23</b>	<b>868</b>	<b>41</b>
<b>PUBLIC ADMINISTRATION</b>	71	12	8	28	15	7	16	11	3	57	4	–	9	241	11
<b>UNSPECIFIED/NOT APPLICABLE</b>	12	2	2	8	9	1	8	4	5	12	3	–	2	68	3
<b>TOTAL</b>	<b>452</b>	<b>80</b>	<b>50</b>	<b>291</b>	<b>249</b>	<b>46</b>	<b>168</b>	<b>55</b>	<b>58</b>	<b>561</b>	<b>47</b>	<b>1</b>	<b>47</b>	<b>2,105</b>	<b>100</b>

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in Employment

4. RBOSNG—Reprisal, Breach of Settlement, No Grounds





# APPENDIX

ONTARIO HUMAN RIGHTS COMMISSION  
ANNUAL REPORT  
1993-94 AND 1994-95





# COMMISSION STRUCTURE

THE ONTARIO HUMAN Rights Commission (the “Commission”) is a Schedule I agency of the Ontario Government. The Commission administers the Ontario *Human Rights Code* and is accountable to the Legislature through the Minister of Citizenship.

## OFFICE OF THE CHIEF COMMISSIONER

The *Office of the Chief Commissioner* ensures that the functions of the Commission are carried out in accordance with the provisions of the Ontario *Human Rights Code*. The Chief Commissioner provides strategic leadership to the Commission and ensures, through the Executive Director, the effective and efficient management of its operations, including case management and policy development.

## OFFICE OF THE EXECUTIVE DIRECTOR

The *Office of the Executive Director* has administrative responsibility for the agency and directs all aspects of the operations of the agency. Operations are carried out by four branches:

## REGIONAL SERVICES AND SYSTEMIC INVESTIGATION BRANCH

The *Regional Services and Systemic Investigation Branch* is the largest operation of the Commission. All the enforcement functions are incorporated into this Branch, including Regional Services, Case Management and Systemic Investigation. Regional Services include staff working at headquarters and 15 district offices in seven regions of Ontario.

The staff of the Branch’s district offices are, for the most part, the public’s first contact with the Commission. The primary activities of the staff are to handle intake, undertake investigations and facilitate conciliations in the large number of complaints filed each year.

The Branch also targets and investigates systemic practices which operate to unfairly disadvantage one or more groups protected under the *Code*. It develops precedent-setting cases and comprehensive model settlements through strategic enforcement designed to eliminate systemic barriers and put into place broad-based remedies.

The Branch is also responsible for developing strategies to address the Commission’s caseload, as well as maintaining accurate and up to date statistical information. This data is used to monitor the Commission’s caseload, and forms the basis of the Branch’s planning and strategy development. The Branch is responsible for ensuring Regional Managers are apprised of Case Management strategies.

## LEGAL SERVICES BRANCH

The ***Legal Services Branch*** assists the Commission in fulfilling all legal aspects of its mandate, including compliance, public education and litigation. Its activities include providing legal advice to officers and regional managers concerning investigation and conciliation of cases, providing legal opinions requested by the Commission, and serving as legal counsel to the Commission before boards of inquiry and the courts on matters of judicial review and appeals. The Commission staff responsible for Reconsideration, reports to the Director of Legal Services.

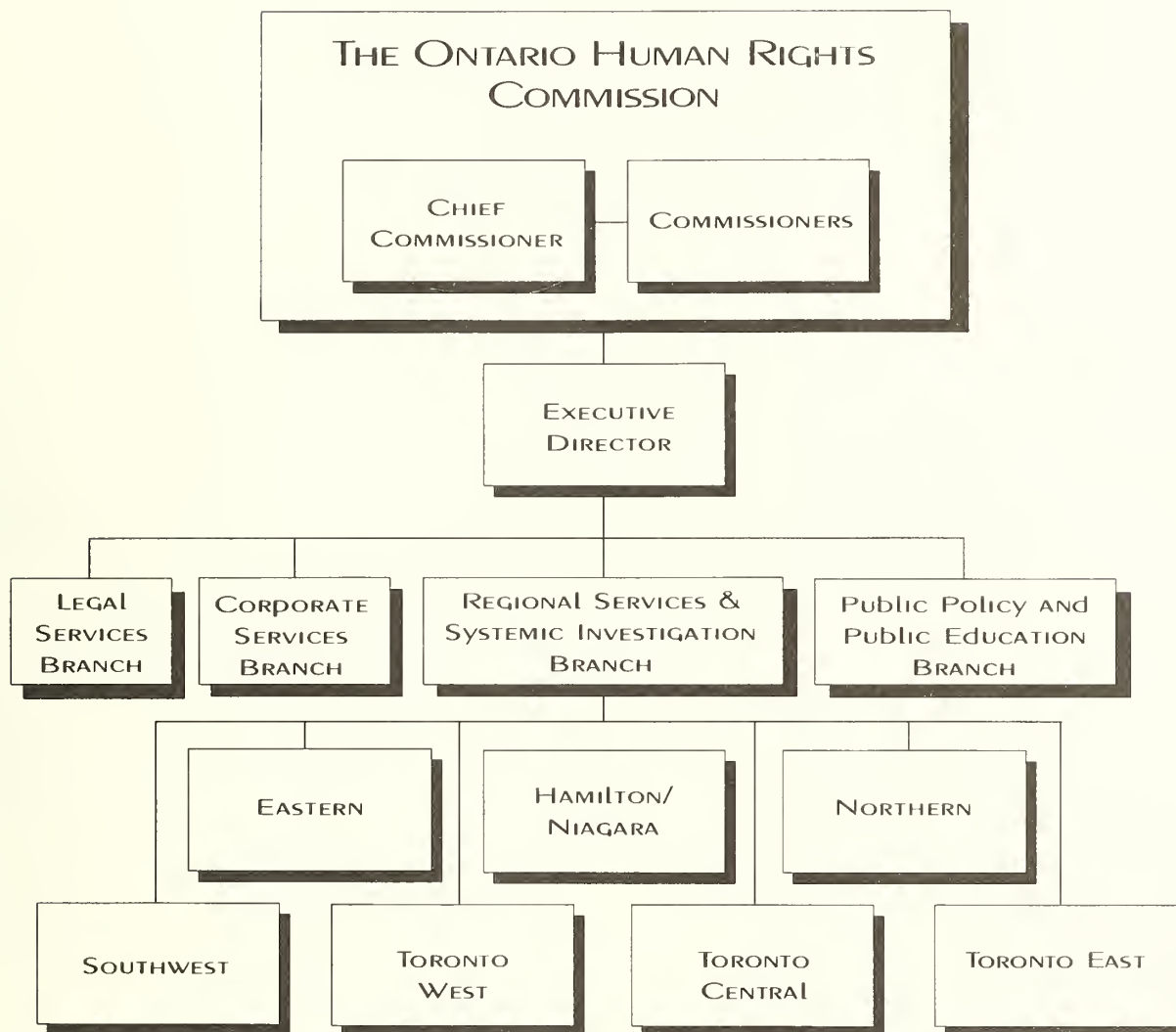
## PUBLIC POLICY AND PUBLIC EDUCATION BRANCH

The ***Public Policy and Public Education Branch*** provides leadership and direction for the planning, development and evaluation of the Commission's public policy and related public education functions. The Branch is also responsible for external communications, community consultations and media relations. The Branch prepares guidelines and written policies on the interpretation and application of provisions of the *Code*, researches a broad range of human rights, legal and social equity issues, advises individuals and organizations on human rights issues, provides support to the offices of the Chief Commissioner and Executive Director, and represents the Commission on intergovernmental committees, task forces and delegations. The Branch fosters understanding of and voluntary compliance with, the principles of the *Code* through a range of public education and communications initiatives.

## CORPORATE SERVICES BRANCH

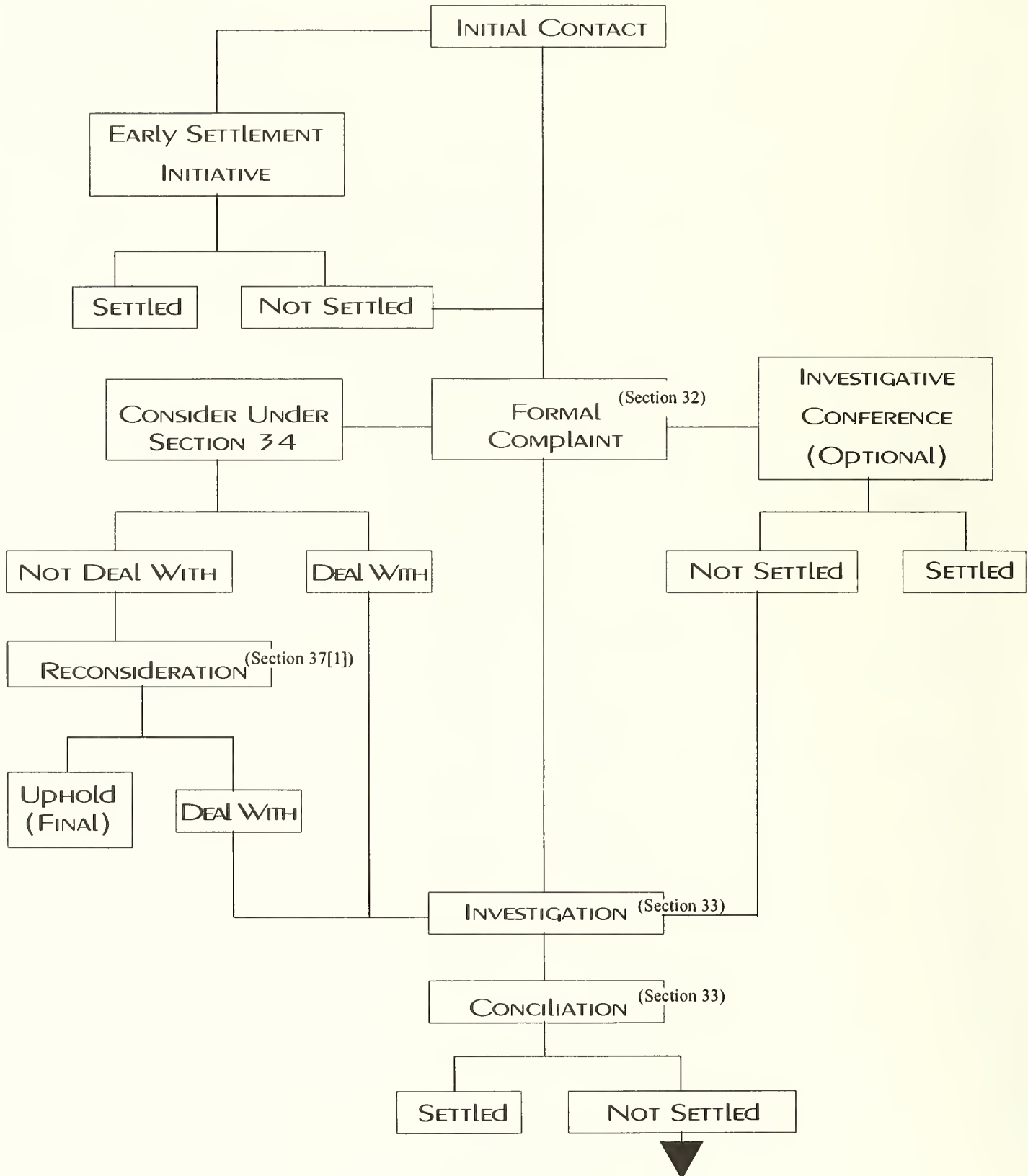
The ***Corporate Services Branch*** provides service to the Commission in the areas of human resources, operational planning, and finance and administration through the development and implementation of sound management policies and practices. Branch systems development and maintenance activities support the use of information technology within the Commission. The Learning Unit provides staff with training opportunities through the development and design of effective learning programs. The coordination of internal communications and the distribution of publications to the public are branch responsibilities. The Branch also ensures Commission compliance with the requirements of the *Freedom of Information and Protection of Privacy Act* and coordinates responses to Ombudsman enquiries. In partnership with other Branches, the Corporate Services Branch coordinates the implementation of the Commission's Organizational Improvement Initiatives.

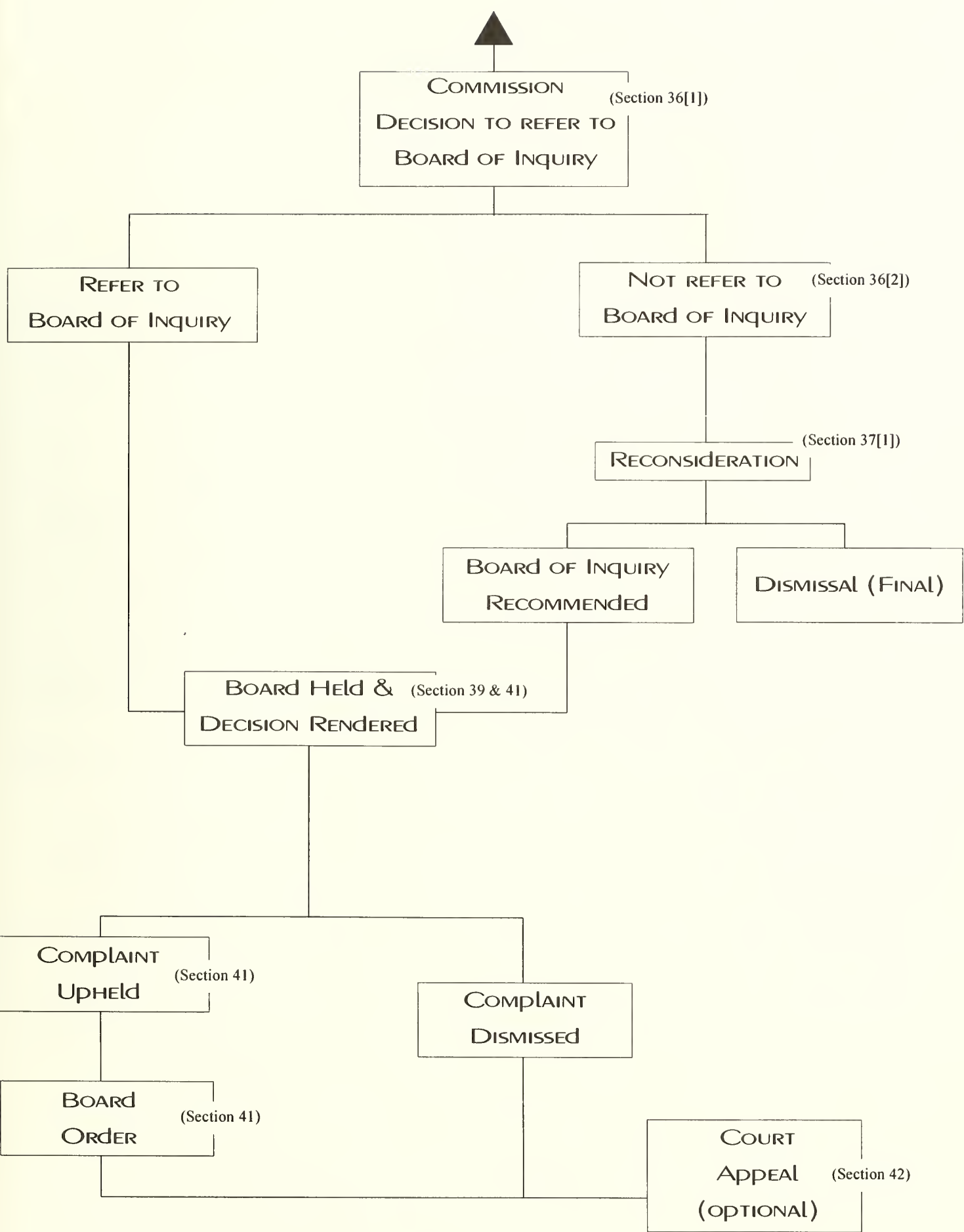
# ORGANIZATIONAL CHART



# COMPLAINT PROCESSING

## Flow Chart





# OFFICE LOCATIONS

**Hamilton**

110 King Street West  
Suite 310  
L8P 4S6  
Tel: (905) 521-7870  
1-800-263-9344  
TDD: (905) 546-8278

**Kenora**

227 2nd Street South  
3rd Floor  
P9N 1G1  
Tel: (807) 468-2866

**Kingston**

80 Queen Street  
Suite 202  
K7K 6W7  
Tel: (613) 548-6750  
1-800-461-2958  
TDD: (800) 267-5755

**Kitchener**

824 King Street West  
Suite 101  
N2G 1G1  
Tel: (519) 571-6078  
1-800-263-9525

**London**

231 Dundas Street  
Suite 303  
N6A 1H1  
Tel: (519) 661-6600  
1-800-268-8333  
TDD: (519) 661-0544

**Mississauga**

1290 Central Parkway West  
Suite 304  
L5C 4R3  
Tel: (905) 273-7811  
1-800-268-2808  
TDD: (905) 273-6648

**Ottawa**

255 Albert Street  
Suite 401  
K1P 6A9  
Tel: (613) 232-0489  
1-800-661-0228  
TDD: (613) 232-3909

**Sault Ste. Marie**

390 Bay Street  
3rd Floor  
P6A 1X2  
Tel: (705) 942-8417  
1-800-461-0051

**Scarborough**

10 Milner Business Court  
Suite 404  
M1B 3C6  
Tel: (416) 314-3555  
1-800-268-6585  
TDD: (416) 314-3572

**St. Catharines**

1 St. Paul Street  
Suite 603  
L2R 7L4  
Tel: (905) 684-7406  
1-800-263-4916  
TDD (905) 684-1103

**Sudbury**

159 Cedar Street  
2nd Floor  
P3E 6A5  
Tel: (705) 670-7222  
1-800-461-6259  
TDD: (705) 675-6392

**Thunder Bay**

28 North Cumberland St.  
Suite 403  
P7A 4K9  
Tel: (807) 343-6003  
1-800-465-8996

**Timmins**

210 Spruce St. South  
Suite 103  
P4N 2M5  
Tel: (705) 268-2838  
1-800-461-7863

**Toronto Central**

595 Bay Street  
4th Floor  
M5G 2C2  
Tel: (416) 326-9511  
TDD: (416) 326-9669

**Windsor**

215 Eugenie Street West  
Suite 100  
N8X 2X7  
Tel: (519) 973-1370  
1-800-263-1604  
TDD: (519) 966-8237

**Headquarters**

180 Dundas Street West  
Toronto, Ontario  
M7A 2R9  
Tel: (416) 314-4500  
1-800-387-9080  
TDD: (416) 314-4535

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**Toll-Free Long Distance:** If you are outside the local area and within the area code, call the number listed under 1-800.



# PUBLICATIONS OF THE COMMISSION

*Human Rights Code, 1981 [updated 1990] (available through the Government of Ontario Bookstore)*

*Employment Application Forms & Interviews*

*Guidelines for Assessing Accommodation Requirements for Persons with Disabilities*

*Human Rights: Accommodation of Persons with Disabilities*

*Human Rights and Sexual Harassment*

*Policy on Sexual Harassment & Inappropriate Gender-related Comment and Conduct (as of November 1993)*

*Sexual Harassment and Other Comments or Actions about a Person's Sex (as of November 1993)*

*OHRC Policy Statement on HIV/AIDS-related discrimination*

*Exceptions to the Equality Rights Provision of the Human Rights Code in the Workplace*

*Policy on Racial Slurs & Harassment & Racial Jokes*

*Racial Slurs & Harassment & Racial Jokes (pamphlet)*

*OHRC Policy Statement on Height and Weight Requirements*

*Annual Report*

*Policy on Drug & Alcohol Testing*

*Policy on Driver's Licence as a Condition of Employment*

*Policy on Employment-related Medical Information*

*Declaration of Management Policy*

*Guidelines on Special Programs*

*If You Have a Human Rights Complaint*

*Know Your Rights Series:*

—*Sexual Orientation and the Human Rights Code*

—*AIDS & AIDS-related Illness and the Human Rights Code*

*Human Rights in Ontario*

*Discrimination Because of Handicap*

*Guidelines for Internal Human Rights Complaint Resolution Procedures*

*Policy Statement with Respect to Exclusionary Scholarships*

# LIBRARIES WHERE BOARD DECISIONS CAN BE FOUND

## **University of Toronto**

Bora Laskin Library  
78 Queen's Park  
Toronto, Ontario  
M5S 2C5

## **York University**

Law Library  
4700 Keele Street  
Downsview, Ontario  
M3J 2R5

## **Legislative Library**

Legislative Building  
3rd Floor, North Wing  
Queen's Park  
Toronto, Ontario  
M7A 1A9

## **The Great Library**

**Osgoode Hall**  
The Law Society of Upper Canada  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

## **Ministry of Labour Library**

400 University Avenue  
10th Floor  
Toronto, Ontario  
M7A 2R9

## **Metropolitan Toronto Reference Library**

789 Yonge Street  
Toronto, Ontario  
M4W 2G8

## **University of Ottawa Library**

550 Cumberland Street  
Ottawa, Ontario  
K1N 6N5

## **Carleton University Library**

Ottawa, Ontario  
K1S 5B6

## **Brock University Library**

500 Glenridge Avenue  
St. Catharines, Ontario  
L2S 3A1

## **University of Waterloo Library**

200 University Avenue west  
Waterloo, Ontario  
N2L 3G1

## **University of Western Ontario Library**

London, Ontario  
N6A 3K7

## **Queens University Library**

Kingston, Ontario  
K7L 3N6

## **McMaster University Library**

Hamilton, Ontario  
L8S 4L8

## **University of Windsor Library**

401 Sunset Avenue  
Windsor, Ontario  
N9B 3P4

## **Lakehead University Library**

Oliver Road  
Thunder Bay, Ontario  
P7B 5E1

## **Laurentian University Library**

Sudbury, Ontario  
P3E 2C6

## **Library of Parliament**

Wellington Street  
Parliament Hill,  
Central Block  
Ottawa, Ontario  
K1A 0A9

## **University of Ottawa**

Human Rights Research and  
Education Centre  
57 Louis Pasteur  
Ottawa, Ontario  
K1N 6N5

## **Hamilton Public Library**

55 York Blvd.  
Hamilton, Ontario  
L8N 4E4

## **Kingston Public Library**

130 Johnson Street  
Kingston, Ontario  
K7L 1X8

## **Kitchener Public Library**

85 Queen Street North  
Kitchener, Ontario  
N2H 2H1

## **London Public Library**

305 Queens Avenue  
London, Ontario  
N6B 3L7

## **Ottawa Public Library**

120 Metcalfe Street  
Ottawa, Ontario  
K1P 5M2

## **St. Catharines Public Library**

54 Church Street  
St. Catharines, Ontario  
L2R 7K2

## **Thunder Bay Public Library**

285 Red River Road  
Thunder Bay, Ontario  
P7B 1A9

## **Waterloo Public Library**

35 Albert Street  
Waterloo, Ontario  
N2L 5E2

## **Windsor Public Library**

850 Ouellette Avenue  
Windsor, Ontario  
N9A 4M9







